

**ZONING COMMISSION
PUBLIC HEARING MEETING JULY 15, 2009
SPECIAL PERMIT APPLICATION FOR AN OFFICE PARK LOCATED ON
LOT 3 GREAT HILL RD. NAUGATUCK INDUSTRIAL PARK.
APPLICANT: BETHLINE ASSOCIATES**

Joe Savarese opened the Public Hearing Meeting at 7:04 P.M. with the following in attendance:

MEMBERS:

Joe Savarese, Chair
Diana Raczkowski, Vice Chair
Stanley Jaroneczyk
Neil Mascola, absent
Jeffrey Litke

OTHERS:

Public: 17
Allison Hurley, Asst. CZEO
Mike Ciacciarella, Burgess Liaison

Attorney Kevin McSherry, representing the applicant stated the certified mailings had been sent. Attorney McSherry asked Commissioner Diana Raczkowski if she can be bias and proceed with an open mind on this application. Diana Raczkowski answered "Absolutely". Attorney McSherry asked Diana Raczkowski if she felt it necessary to recuse herself from this application. Diana Raczkowski answered "No I Don't".

Attorney McSherry reviewed the application of the proposed office park. He stated at the May 5, 2009 meeting the Inland Wetlands Commission found the activities for proposed office building located on Lot 3 Great Hill Rd. is not significant and on July 1, 2009 meeting the Wetlands Commission denied the application of a proposed office building on Lot 3 Great Hill Rd. Attorney McSherry said the applicant engineer Ted Crawford could not be here this evening but will be here next month to answer all engineering questions. Attorney McSherry stated the proposed office building meets all the Plan of Development requirements. The building will be 20,000 sq.ft. with 57 parking spaces, 3 handicaps, they are proposing 3 detention ponds and will be providing an additional buffer along the boundary lines where it is residential. The grade of the driveway into the site will be at 5%, the Wal-mart driveway is a 10% grade. Attorney McSherry then reviewed the topo's and said the open space area is about 25 to 30 feet wide. Diana Raczkowski asked that the plans show the disturbance area where the 50,000 cubic yards of dirt are coming from. Joe Savarese asked for a contour or elevation map in detail. He read the approval of the Planning Commission re-affirming the positive referral at May 3rd's planning meeting stating the plan for removing earth does not conflict with the Plan of Conservation and Development. He stated the following: WPCA, Fire and Police approval are pending. Diana Raczkowski requested a sequence schedule for the soil and erosion plan.

Public Comment:

Alan Thompson of 100 East Waterbury Road stated he was a register intervener and at the July Planning meeting which he was not notified of and was not allowed to speak during the meeting. He feels the Planning Commission made their decision without hearing from the interveners. Mr. Thompson read the denial of the wetlands to the Commission. Alan would like to know what the applicants' motivation is for the 49,000 cubic yards of excavation they deem required putting a building on that lot. He also

questioned why on only 4 acres it is necessary to install 3 detention ponds. Mr. Thompson believes they can build the building without taking the maximum amount of fill off the property. He is concerned with the detention ponds, his well and the depth of the cuts. Diana Raczkowski asked for a report on the borings and if they were done beyond the depth of the finished grade. She asked the applicants Attorney to show on the plans where the borings were done and how deep each one was.

Peter Meleschnig of 76 East Waterbury Rd. has concerns with traffic, trucks entering and exiting, noise and his well. Mr. Meleschnig said he is not against a guy making money and having progress.

Marty Warren of 120 East Waterbury Rd. has concerns with the amount of fill being taken off the property, the line of site, the impact the removal of gravel will have on the wetlands, wells and septic. He also stated he has a problem with the width of the open space shown on the maps and it not being accurate.

Hector Irizzary of 105 Union City Rd. said he is not against the project but is concerned with the drainage and the pond to the left of the property.

David Buck of 154 East Waterbury Road stated his well is on the applicant's property, but his deed states that his property is further back than shown on the applicant's plans.

Joe Savarese stated that this commission does not get involved in lot line disputes. Mr. Buck said the applicant has approached him and said that upon approval of this project he would deed the property to him. Mr. Buck also had concerns about his well drying up, noise and the traffic.

James Warren Sr. of 259 East Waterbury Rd. stated his concerns with the open space, wells, dust, noise and traffic.

The Commission agreed to set a site walk for Monday, July20, 2009 at 6:45 P.M and will continue the Public Hearing on August 19, 2009 at 6:30 P.M.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary, ah

**ZONING COMMISSION
CONTINUED PUBLIC HEARING MEETING JULY 15, 2009
FOR AMENDMENTS TO THE SIGN REGULATION, SECTION 27 OF THE
NAUGATUCK ZONING REGULATIONS.
APPLICANT: THE NAUGATUCK ZONING COMMISSION.**

Joe Savarese reconvened the Public Hearing Meeting at 8:52 P.M. with the following in attendance:

MEMBERS:

Joe Savarese, Chair
Diana Raczkowski, Vice Chair
Stanley Jaroneczyk
Neil Mascola, absent
Jeffrey Litke

OTHERS:

Public: 1
Allison Hurley, Asst. CZEO
Mike Ciacciarella, Burgess Liaison

Joe Savarese stated that there was no new information received and asked the Commission members if they want to table this until next month. The Commission agreed. There was no Public Comment. The Public Hearing was continued to August 19, 2009 at 6:45 P.M.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary, ah

**ZONING COMMISSION
REGULAR MEETING JULY 15, 2009**

Joe Savarese opened the Regular Meeting at 6:19 P.M. with the following in attendance:

MEMBERS:

Joe Savarese, Chair
Diana Raczkowski, Vice Chair
Stanley Jaroneczyk
Neil Mascola, absent
Jeffrey Litke

OTHERS:

Public: 3
Allison Hurley, Asst. CZEO
Mike Ciacciarella, Burgess Liaison

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. Executive Session with Borough Attorney Regarding pending litigation of the following cases Dasilva vs.Zoning Board of Appeals and Valley Mobile Home Park LLC., LoRusso vs. Naugatuck Zoning Commission.

VOTED: Unanimously on a motion by Stanley Jaroneczyk and seconded by Diana Raczkowski to go into Executive Session at 6:09 P.M.

The Commission resumed the Regular Meeting at 7:04 P.M.

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

VOTED: Unanimously on a motion by Diana Raczkowski and seconded by Jeffrey Litke to **APPROVE** the June 17, 2009 Regular and Public Hearing meeting minutes as amended.

4. **OLD BUSINESS:**

- A. Commission Discussion/Decision for a Special Permit Application for an Office Park located on lot 3 Great Hill Rd. Naugatuck Industrial Park. Applicant: Bethline Associates. The Commission continued this to a scheduled site walk on July 20, 2009 at 6:30 P.M. and will reconvene the Public Hearing on August 19, 2009 at 6:30 P.M.
- B. Commission Discussion/Decision for Amendment to the Sign Regulation, Section 27 of the Naugatuck Zoning Regulations. Applicant: The Naugatuck Zoning Commission
The Commission continued the Public Hearing to August 19, 2009 at 6:45 P.M.
- C. Commission Discussion/Decision for a Modification to a Site Plan for a Subway Located at 928 Waterbury Rd. (Wayside Market). Applicant: Ralph Tortora.
John Kenworthy, Surveyor for the applicant stated he was proposing a 25 x 40 addition for a subway. Bill Taylor from Subway Development of North Haven was there to answer any question. The addition will be attached to the existing building which is Wayside Market. The applicant is not proposing any major excavation, just some minor grading. There are 36 parking spaces, two of which are handicap. He is no Wetlands and the Commission at the June meeting agreed to grant the waiver for Section 32.2.5. The Commission agreed to do a drive by. Diana Raczkowski asked about the drainage. Mr. Kenworthy said they are proposing to tie the roof drains into the existing basin to the D.O.T. system. Diana Raczkowski said the applicant would need to get something from D.O.T. saying that you do not need a permit or you do. Joe Savarese said he does not know if it's necessary to have D.O.T approval because it is an existing line and all they might do is move it. Diana Raczkowski stated Jim Stewart said at the last meeting they probably would, so she would like to know from the D.O.T. if the need it or not. Diana Raczkowski asked to see what type of material will be used for the building and questioned if there would be any landscaping. Bill Taylor said it is mostly asphalt but there will be plantings in barrels. There was a question if this was a new application or not. Diana Raczkowski said Mr. Macary had told her it was anew application so the applicant has to give a letter withdrawing the modification to a site plan application dated June 17, 2009. The Commission accepted the new application from John Kenworthy representing the applicant Ralph Tortora. The Commission continued this item to next months meeting.
- D. Commission Discussion for Modification to Section 44 of the Naugatuck Zoning Regulations.
The Commission tabled there discussion on this item until next month's meeting.

- E. Commission Discussion/Review for a Soil and Erosion Plan for Woodcrest Drive. Applicant: Progressive Business Development. Attorney Fred Dlugkecki, representing the Applicant reviewed the application. After a brief discussion the Commission made a decision.
- VOTED:** Unanimously on a motion by Diana Raczkowski and seconded by Jeffrey Litke to **APPROVE** a Soil and Erosion Plan for Woodcrest Drive. Applicant: Progressive Business Development with the following conditions.
1. Subject to the conditions stated in the Inland Wetlands report dated July 10, 2009.
 2. Sediment & Erosion Control Bond must be provided to the town in an amount as determined by the Borough Engineer prior to work.
 3. Retaining walls over 3' in height must be designed by a professional engineer and all appropriate building permits obtained.
 4. Site development of the western most un-numbered home site shall not commence until the adjacent road and slopes are installed and stabilized.
 5. Subject to the certification in writing on the plans by the Borough Engineer, that the plan meets the minimum standard of the Connecticut Soil and Erosion Handbook 2002.
 6. That the Zoning Enforcement Officer is to be notified when the project will start and be notified before any construction accurse.
 7. That an erosion control barrier approved by the Borough Engineer and the ZEO surround all stock piles.
 8. That stockpiles over 15 feet need to be stepped.
 9. Any stockpile to be left unused for more than 15 days should be stabilized with seed, hay or any other methods required in the Soil and Erosion Handbook.
- F. Commission Discussion / Donham Craft (Tent)
There was no discussion on this item.
- G. Commission Discussion/ Tire lot Elm St.
Diana Raczkowski stated this is a non-conformity issue and would like to send it to the Borough Attorney. Attorney Kevin McSherry, representing the applicant stated the prior Attorney believed the use of the property was grandfathered in. Joe Savarese asked if Mr. Lineweber could show a lease agreement or receipts to substantiate the use over the years. Diana Raczkowski told the applicants Attorney that she had seen old maps and maybe he could get a copy showing what the property has been used for in the past. The Commission continued this item until next months meeting.

5. **NEW BUSINESS:**

- A. Commission Discussion/Decision for a Modification to a Site Plan for an Animal Emergency Room (Beacon Valley Animal Hospital) located on 772

Prospect St. Applicant: Brian Luebenstien.

Brian Luebenstien stated he is proposing a 40 x 25 addition for an emergency room with two exam rooms. He currently has 42 parking spaces and would be removing 4 spaces. Diana Raczkowski asked about lighting. Brian said there is currently lighting on the building and in the parking lot. Diana Raczkowski asked about the elevation, materials to be used, roof drains, and storm drains. Brian Luebenstien said he will be matching the existing siding and roof line. The roof drains will be tied into the existing and the storm drains will be tied into the current underground drains. Joe Savarese asked if they had Valley Health approval. Brian said no but he will send them a set of plans. Diana Raczkowski asked that he show on the plans the elevation of the proposed building, materials to be used and have the Borough Engineer review the plans. There are no wetlands on the site. They will continue their discussion at next months meeting.

B. Accept application and refer to Planning Commission to set Public Hearing for modification to the Zoning Map. Applicant: Zoning Commission.

VOTED: Unanimously on a motion by Diana Raczkowski and seconded by Jeffrey Litke to accept an application, refer to Planning Commission and set a Public Hearing for modification to the Zoning Map. Applicant: Zoning Commission. The Public Hearing was set for September 16, 2009 at 6:30 P.M.

6. There were no Change of Use applications.

7. Public Comment.

Burgess Mike Ciacciarella stated he chairs the Union City Revitalization Community and would like to invite Joe Savarese to come to there next meeting on August 13th in Commissioners corner to participate in idea sharing, and any comments or opinions he might have. He is concentrating on North Main St. and a little part of Prospect St. to start with. Joe Savarese said he believes a Prospect Development District was formed in 1972. He thinks it is in the old Plan of Conservation and Development, he will look for it. A discussion ensued about river clean up events and more parking for the North Main St area. Diana Raczkowski brought up the blight issues and suggested that the Commission get an application from the ZEO to add to Section 23.3.3 un cut grass above the height of 16 inches is not allowed so that the ZEO can start fining the property owners. Mike Ciacciarella said he believes he has information on language from other towns regarding blight issues. Diana Raczkowski wants Steve Macary to put application together for the next meeting on 23.3.3. Mike Ciacciarella mentioned the issues of the odors from the treatment plant. He said there are studies being done to find out exactly where the smell is coming from. Mike said there is a neighborhood community formed off Cross Street area, which are keeping track of the complaints. Mike said he has sent the list to Steve Macary. Diana Raczkowski stated she has emailed it to him also. Mike Ciacciarella asked the Commission if there were any issues or requests that he can bring to the attention of the Borough Board. Diana Raczkowski said we need a blight ordinance so we can have the power to arrest, and would like to add the grass

issue to the regulations as soon as possible. Mike Ciacchiarella said he would like to get the Charter re done.

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

VOTED: Unanimously Diana Raczkowski and seconded by Stanley Jaroneczyk to **ADD** a discussion regarding an interpretation on Section 24.4.4 Narrow Streets.

VOTED: Unanimously on a motion by Jeffrey Litke and seconded by Diana Raczkowski to **APPROVE** an amendment of the Interpretation for Section 24.4.4 of the Naugatuck Zoning Regulation regarding narrow streets in a manner wherein any corner lot that fronts two separate narrow streets need only comply with additional setback requirements on one of the two streets.

9. No Report of the ZEO

10. No Chairman Report.

11. **VOTED:** Unanimously on a motion by Stanley Jaroneczyk and seconded by Jeffrey Litke to adjourn the meeting at 10:56 P.M.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary, ah