

**ZONING COMMISSION  
PUBLIC HEARING MEETING APRIL 16, 2008  
FOR A SPECIAL PERMIT APPLICATION FOR A MASONRY SUPPLY  
STORE LOCATED ON 1483 NEW HAVEN RD.  
APPLICANT: MIRJAND AND GENTI MULLA**

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

**MEMBERS:**

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

**OTHERS:**

Public: 8  
Steve Macary, CZEO, absent  
Allison Hurley, Asst. CZEO  
N.Warren Hess, Boro Attorney

Mike Ciacciarella reviewed the application. He stated that the Planning Commission referral is pending, IW is pending, Fire is pending, the certified mailings have been received, and Police Commission is approved. Walter Bertotti reclused himself from this application. Ronald Wolf, P.E. from Woodbury representing the applicant stated the property consists of 1.37 acres and the existing barn will be removed. They are proposing a 28x42 retail masonry store containing 13 parking spaces. The applicant is proposing a storm water drainage system with 2 catch basins and an under ground infiltration system. They are proposing 8 storage bins that will be used for stone, brick and other masonry supplies. Diana Raczkowski asked that he show the limit of disturbance and what soil and erosion measures you will be using on the plans. Mr. Wolf said that there one stockpile shown on the plans. He said that Inland Wetlands recommended that we relocate the 6 foot fence closer to the back of the gravel area. Ronald Wolf stated that there is an existing buffer and will be adding 12 spruce and 5 pine trees. The height will be 7 ft tall and 10 to 12 ft on center. Mike Ciacciarella said that it looks to be in the aquifer. Mr. Wolf said half of it is and that the application was submitted to Steve Macary and he was looking into this. He said there will be septic which has Valley Health approval Public: Robert Laflamme owner of 1453 New Haven Rd. has concerns regarding dust, noise and what kind of equipment they will be using the if the septic would impact the aquifer. Ronald Wolf said that the septic should not have any impact on the aquifer and that it is proposed on the western side of the aquifer line. The applicant's intent is to have a small loader with 1 or 1 ½ bucket and to limit the dust they could put down crushed stone and will install trees a little closer on the western side to keep the noise down. The Commission recessed this meeting until a site walk scheduled for Wednesday, April 23, 2008 at 6:00 P.M. and will reconvene the public hearing on May 21, 2008 at 6:30 P.M.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary, ah

**ZONING COMMISSION  
CONTINUED PUBLIC HEARING MEETING APRIL 16, 2008  
FOR TEXT CHANGE TO SECTION 25.6.5 OF THE NAUGATUCK ZONING  
REGULATIONS. APPLICANT: NAUGATUCK ZONING COMMISSION.**

Mike Ciacciarella reconvened the Public Hearing Meeting at 6:55 P.M. with the following in attendance:

**MEMBERS:**

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

**OTHERS:**

Public: 6  
Steve Macary, CZEO, absent  
Allison Hurley, Asst. CZEO  
N.Warren Hess, Boro Attorney

Mike Ciacciarella asked Attorney Hess if he had a chance to review the proposed regulation. Attorney Hess stated the Commission is within their rights to implement the regulation of this nature. He noted that the Commission should look for practical solutions that work and he will check it for legalities. Diana Raczkowski asked Attorney Hess how to enforce the pre-existing ones. Attorney Hess said that if they were prohibited in the past regulations then they are not pre-existing. A discussion ensued regarding existing canvas tents, enforcement, size and setbacks. There was no Public Comment.

The Commission continued the Public Hearing to next month's meeting at 6:45 P.M.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary, ah

**ZONING COMMISSION  
CONTINUED PUBLIC HEARING MEETING APRIL 16, 2008  
AMENDMENT TO SECTION 43.9 OF THE NAUGATUCK ZONING  
REGULATIONS. APPLICANT: NAUGATUCK ZONING COMMISSION.**

Mike Ciacciarella reconvened the Public Hearing Meeting at 7:08 P.M. with the following in attendance:

**MEMBERS:**

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

**OTHERS:**

Public: 6  
Steve Macary, CZEO, absent  
Allison Hurley, Asst. CZEO  
N.Warren Hess, Boro Attorney

Attorney Hess explained to the Commission the regulation regarding Non-conformity. The Commission discussed that in paragraph **A.** where it says **more than 60%** should **read more than 50%**, in paragraph **B.** at the end of the first sentence needs to be added **as is possible as determined by the Zoning Enforcement Officer,** in paragraph **C.** it should read **Where the casualty affects 50% or less of its floor area.** The Commissioners all agreed with the changes. There was no Public Comment. The Commission closed the Public Hearing.

The Commission recessed for 10 minutes.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary, ah

**ZONING COMMISSION  
REGULAR MEETING APRIL 16, 2008**

Mike Ciacciarella opened the Regular Meeting at 7:30 P.M. with the following in attendance:

**MEMBERS:**

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

**OTHERS:**

Public: 8  
Steve Macary, CZEO, absent  
Allison Hurley, Asst. CZEO  
N.Warren Hess, Boro Attorney

1. Mike Ciacciarella took attendance. At this point, it was determined that a quorum was present.

2. No Executive Session.

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

**VOTED:** Unanimously on a motion by Diana Raczkowski and seconded by Neil Mascola to **APPROVE** the March's Regular Meeting and Public Hearing Meeting Minutes.

4. **OLD BUSINESS:**

A. Commission Discussion/Decision for text change to section 25.6.5 of the Zoning Regulations. Applicant: Naugatuck Zoning Commission.  
The Commission tabled their decision until the May 21, 2008.

B. Commission Discussion/Decision for an Amendment to Section 43.9 of the Naugatuck Zoning Regulations. Applicant: Naugatuck Zoning Commission  
**VOTED:** Unanimously on a motion by Matthew Katra and seconded by Diana Raczkowski to **APPROVE** an Amendment to Section 43.9 of the Naugatuck Zoning Regulations. Applicant: Naugatuck Zoning Commission  
With an effective date of June 1, 2008.

C. Commission Discussion/Decision for a Special Permit Application for a Masonary Supply Store located on 1483 New Haven Rd. Applicant: Mirjand and Genti Mulla  
The Commission continued the Public Hearing until a site walk on Wednesday April 23, 2008 at 6:00 P.M.

D. Commission Discussion/ Decision regarding consideration of settlement of IICV

08-4014902, Hershey Foods Corp. v. Naugatuck Zoning Commission pursuant to the Connecticut General Statute concerning the possible amendment to the Zoning Map of the Borough of Naugatuck to include the Hershey Foods Corp. real property on New Haven Rd. (\_\_\_\_\_ acres +/-) to be within the New Haven Road Design District Zone.

**VOTED:** Unanimously on a motion by Matthew Katra and seconded by Diana Raczkowski to **APPROVE** a stipulated agreement effective June 1, 2008 for the Zoning Commission of the Borough of Naugatuck to Amend its zoning map and regulations to include the Hershey Property as herein set forth and more particularly described in Schedule A attached hereto within the New Haven Road Design District (North), adopted by the Commission on November 1, 2007, effective December 1, 2007.

**5. NEW BUSINESS:**

- A. Accept Application/ refer to Planning Commission/ set Public Hearing for a Tattoo Shop located on 387 North Main St. Applicant: Robert Clark

**VOTED:** Unanimously on a motion by Matthew Katra and seconded by Stanley Jaroneczyk to Accept Application/ refer to Planning Commission/ set Public Hearing for a June 18, 2008 at 6:45 P.M regarding a Special Permit for a Tattoo Shop located on 387 North Main St. Applicant: Robert Clark.

- B. Accept Application/ refer to Planning Commission/ set Public Hearing for a Retail Store Located on 195 Rubber Ave Applicant: Antonio M. Pereira  
The Commission agreed that this was a Site Plan application and will continue it to next month's meeting.

- C. Commission Discussion for Cease and Desist orders sent out by the ZEO in the Westover Subdivision.

Mike Ciacciarella stated that he had received a letter from Attorney Barry Knott pertaining to a Cease and Desist order issued by the ZEO for Westover Hills Est. Lots 16 & 17. Attorney Knott whom represents Realrock Assoc. stated that in the Cease and Desist Steve Macary cites Section 42.1 which is a description of the "intent" of earth excavation, fill and re-grading. Attorney Knott stated the Cease and Desist Order fails to indicate specifically any portion of section 42.2 of the regulations and it is impossible for his client to respond to the order because we do not know exactly what Mr. Macary is complaining about. Mike Ciacciarella said he had spoken with Steve Macary and both agreed that the Cease and Desist was not specific and to lift it so that it could be re-written. Attorney Knott handed the Commission a copy of the Naugatuck Ordinance and discussed Section 5. Diana Raczkowski asked Attorney Hess his opinion. Attorney Hess stated he does not know the details of the merits and alleged issues, but from listening he is hearing a whole host of procedural problems. Attorney Hess said he is in agreement with Attorney Knott that the Cease and Desist has to have the correct name of the owner. He said that the Commission does have several remedies and the ordinance that was presented to you is an Ordinance that enables the Town to

fine people that is in addition to the normal remedies under the general statutes. Attorney Hess said he has no idea what the ZEO was attempting to proceed under, whether it was that ordinance or other powers. The Commission agreed to the following.

**VOTED:** Unanimously on a motion by Matthew Katra and seconded by Diana Raczkowski to **LIFT** the Cease and Desist Order issued to Rocco Marciano for Lots 16 & 17 Graham Ridge Rd.

Mike Ciacciarella stated that he will discuss this with Steve Macary and also ask that he attends the next Planning Commission meeting.

6. No additional discussions for change of use applications.

7. Public Comment.

Jeffery Stanton of 255 Webb Rd. had stated some concerns regarding Lot 49 Graham Ridge Rd. that abuts his property in the rear. He stated that they have cleared all the trees causing erosion and run-off onto his property. Mike Ciacciarella stated that there is a Cease and Desist Order still in effect and that he will talk with Steve Macary to follow up and make sure the property owner is correcting it.

Rocco Marciano owner of Lots 6 & 7 Webb Rd. stated that there is a lack of erosion and control on the property of lot 50 Graham Ridge Rd. which is located behind his two lots on Webb Rd. Mike Ciacciarella said he will ask Steve Macary to issue a Cease and Desist Order for Lot 50 Graham Ridge Rd.

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

**VOTED:** Unanimously on a motion by Diana Raczkowski and seconded by Stanley Jaroneczyk to **ADD** a Special Permit Application to the agenda.

**VOTED:** Unanimously on a motion by Matthew Katra and seconded by Stanley Jaroneczyk to Accept Application/ refer to Planning Commission/ set a Public Hearing for June 18, 2008 at 6:30 P.M for a Special Permit Application regarding 2 Interior Lots, located on Mill St. Applicant: Anderson Mills LLC.

9. No Report of the ZEO.

10. At 8:55 P.M. a VOTE was taken: Unanimously a motion was made by Matthew Katra and seconded by Stanley Jaroneczyk to adjourn the meeting.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary, ah