

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

Mike Ciacciarella reconvened the Public Hearing Meeting at 6:34 P.M. with the following in attendance:

**MEMBERS:**

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

**OTHERS:**

Public: 4  
Steve Macary, CZEO  
Allison Hurley, Asst. CZEO  
N.Warren Hess, Boro Attorney

Mike Ciacciarella stated that he had received a letter from Attorney Kevin McSherry and asked if he wanted to read it into the record. Attorney McSherry said that it was not necessary because he had spoken with Attorney Hess since the letter went out. Attorney McSherry said he was concerned about the prohibition that is in the State Statute 8-2(a) regarding non-conformity use. He said that his house is non-conforming because it is a corner lot and if it were to burn down he would not be able to rebuilt it, and it is clearly counter to the State Statute. Attorney McSherry said he has read Attorney Robert Fuller's book and there are two components to the prohibition. One is the time component and the other being you cannot write regulation that shall not prohibit the continuance of non-conformity, if the use, building or structure exists at the time of the adoption of such regulations. Diana Raczkowski asked if he was referring to the Picculo case. Attorney McSherry said yes and that he had a copy for the Commission. Attorney Warren Hess, representing the Commission stated that the document before the Commission is a draft based on input he received from the Commission at a previous meeting that he did not attend. Attorney Hess stated that what the Commission should understand is that we already have in place a problematic zoning regulation. But the regulation in place now would pose a much greater legal problem then the one you have before you which is a compromise proposal. Diana Raczkowski stated because it is consecratory. Attorney Hess said yes. Attorney Hess stated he wants to hear the thoughts as practical matter and then we can make an attempt to re draft it to make it work. Mike Ciacciarella read 8-2a of the State Statute and said that it seems very clear in not continuing the prohibition of non conformity. Joe Saverese suggested that if a building were to burn down 1% to 100 % the homeowner can rebuild on the existing footprint within one year time or whatever deemed necessary that would satisfy the State Statute. Mike Ciacciarella stated that that makes sense. Attorney Hess said he would write that up and bring it to next month's meeting. The Commission continued the Public Hearing until February 20, 2008 at 6:45 P.M.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary, ah

**ZONING COMMISSION  
CONTINUED PUBLIC HEARING MEETING JANUARY 16, 2008  
FOR REVISIONS TO THE NAUGATUCK ZONING REGULATIONS FOR A  
SPECIAL DEVELOPMENT DISTRICT (SDD) LOCATED IN THE DOWNTOWN  
AREA. APPLICANT: NAUGATUCK ZONING COMMISSION.**

Mike Ciacciarella reconvened the Public Hearing Meeting at 7: 50 P.M. with the following in attendance:

**MEMBERS:**

Mike Ciacciarella, Chair  
Diana Raczkowski  
Stanley Jaroneczyk  
Neil Mascola- absent  
Matthew Katra- absent  
Jeffrey Litke, alternate  
Sue Plaskon, alternate - absent  
Joseph Saverese, alternate

**OTHERS:**

Public: 6  
Steve Macary, CZEO  
Allison Hurley, Asst. CZEO

Mike Ciacciarella stated that the Commission has not received comment back from Attorney Robert Fuller and would like to have any concerns to discuss or review. Public: Paul Singley, Reporter with the Republican American Paper asked Mr.Ciacciarella what Attorney Fuller's concerns are. Mike Ciacciarella said he did not know what they were. Mike O'Conner, Representative with Conroy Development Company stated he is confident that the Zoning Commission will get this done and done right. He thanked the Commission for the due diligence they have shown. The Commission scheduled a Special meeting for January 30, 2008 at 6:30 P.M.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary, ah

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

Mike Ciacciarella opened the Regular Meeting at 6:04 P.M. with the following in attendance:

**MEMBERS:**

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

**OTHERS:**

Public: 4  
Steve Macary, CZEO  
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. Mike Ciacciarella appointed Joe Savarese and Jeffrey Litke regular voting members in place of in place of Neil Mascola and Matthew Katra.  
Mike Ciacciarella stated that he received a letter of resignation from Sue Plaskon.
2. At 6:07 P.M. a motion was made to go into Executive Session.  
**VOTED:** Unanimously on a motion by Diana Raczkowski and seconded by Stanley Jaroneczyk to go into Executive Session inviting in the Borough Attorney Pete Hess, Allison Hurley and Steve Macary to discuss Hershey Foods vs. The Naugatuck Zoning Commission and Lorusso vs. The Naugatuck Zoning Commission.  
Diana Raczkowski left Executive Session at 6:22 P.M.  
The Regular meeting reconvened at 6:31 P.M.
3. Approval of minutes.  
**VOTED:** Unanimously on a motion by Joe Savarese and seconded by Jeffrey Litke to **APPROVE** the December's Regular Meeting and Public Hearing Meeting Minutes.
4. **OLD BUSINESS:**
  - A. Commission Discussion/Decision for an Amendment to Section 43.9 of the Naugatuck Zoning Regulations. Applicant: Naugatuck Zoning Commission.  
The Commission tabled their decision until February's meeting.
  - B. Commission Discussion/Decision for revisions to the Naugatuck Zoning Regulations for a Special Development District (SDD) located in the downtown area. Applicant: Naugatuck Zoning Commission.  
The Commission tabled their decision until a special meeting on January 30, 2008 at 6:30 P.M.

- C. Commission Discussion/Decision regarding Soil and Sediment Erosion control plans for property located, Lot 8 Great Hill Road in the Naugatuck Industrial Park. Applicant: Industrial Development Group.  
Steve Macary stated that he had not received any new plans and asked that the Commission table this item until February's meeting. The Commission agreed.

5. **NEW BUSINESS:**

- A. There was no Public Comment.
- B. 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 the following Change of Use Permits to the agenda: Edible Dreams Bakery 397 North Main St. and Tequila Grill 9 Church St.  
A discussion ensued between Commission members and Staff members regarding the applications.  
The Commission agreed to RATIFY the following Change of Use Permits, Edible Dreams Bakery 397 North Main St., Tequila Grill 9 Church St.
- C. No Report of the ZEO.
- D. Unanimously on a motion by Stanley Jaroneczyk and seconded by Jeffrey Litke to adjourn the meeting at 8:15 P.M.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary, ah