

PLANNING AND ZONING COMMISSION REGULAR MEETING JANUARY 8, 2003, 7:00 P.M.  
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Comm. Stephen Gadowski, Comm. James Fortuna, Comm.  
George Lapidula, Comm. Andrew Rak, Comm. William  
Wilson, Comm. John Pieper, Comm. Carl Bolz, Comm.  
John Voli

COMMISSION  
MEMBERS  
PRESENT

Chw. Barbara Plum, Comm. Stephen Shapiro, Mayor  
Domenique Thornton, Ex-Officio, Dir. P.W. Salvatore  
Fazzino, Ex-Officio

COMMISSION  
MEMBERS  
ABSENT

William Warner, Director, Thomas Nigosanti, Chief Engineer

STAFF

There were approximately fifty (50) members of the public  
present. There is a word for word tape recording of the  
meeting on file and available in the Planning Office.

PUBLIC

On motion and second by Comms. George Lapidula and  
John Pieper the Commission moved the election of officers  
to the end of the agenda. Vote was unanimous.

ITEM 1a  
ELECTION  
OF  
OFFICERS

Michael Ennis spoke in support of a public hearing on the  
moratorium.

ITEM 2  
DISCUSSION  
WITH  
PUBLIC

On motion and second by Comms. George Lapidula and  
Andrew Rak the Commission moved Item #3.3 up to the  
top of the agenda. William Warner explained the proposed  
motion. Comm. Andrew Rak read the motion for the waivers  
into the record. Comm. William Wilson seconded. The motion  
passed unanimously. William Warner explained the motion for  
approval and explained the cul-de-sac condition and the Police  
and Fire commens. Comm. George Lapidula commented on  
extending the cul-de-sac. Comm. Carl Bolz feels the cul-de-sac  
should go through. Comm. Stephen Gadowski agreed with the  
concensus on Letter C of the cul-de-sac condition. Comm.  
William Wilson read the main motion with Letter C of the  
cul-de-sac conditions. Comm. Andrew Rak seconded. The  
motion was approved unanimously. Applicant/agent LePage  
Homes, Inc./O'Brien Associates, Inc. S2002-15

ITEM 3.3  
GRANTED  
PRELIMINARY  
APPROVAL OF  
A THIRTY-TWO  
LOT RESUB-  
DIVISION WITH  
A SPECIAL EX-  
CEPTION FOR A  
CLUSTER SUB-  
DIVISION OF THE  
PROPERTY OF  
JOHN ZISK LO-  
CATED OFF  
LAUREL GROVE  
ROAD BETWEEN  
ROCKFALL ROAD,  
SCENIC VIEW  
DRIVE AND  
HARVARD COURT  
TO BE KNOWN  
AS LAUREL  
FARMS

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Susan Carter and the owners explained the proposal. William Warner explained what happened. Comm. George Lapadula commented on construction without permits. Comm. Carl Bolz questioned how it occurred. Susan Carter responded. Comm. John Voli questioned the departmental comments. Comm. George Lapadula commented on real estate agents and making their own rules. He feels a letter should go to real estates agents about zoning conformity. No one from the public spoke. On motion and second by Comms. George Lapadula and James Fortuna the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. George Lapadula and James Fortuna the Commission granted a Special Exception for a nail salon additon to a single family home located at 557 Newfield Street with the condition that all departmental comments be addressed. Vote was unanimous. Applicant/agent Le Lam Van SE2002-3

ITEM 2b.1  
GRANTED A  
SPECIAL EX-  
CEPTION FOR  
A NAIL SALON  
ADDITION TO  
A SINGLE  
FAMILY HOME  
LOCATED AT  
557 NEWFIELD  
STREET

Robert Fusari, President of Real Estate Service of Connecticut, explained the two (2) lot subdivision. He reviewed the departmental comments, commented on the police concerns, on unstable lots and test borings on these lots. Comm. Carl Bolz questioned the lot frontage. Robert Fusari agreed to adjust the lot line to one hundred (100) feet. No one from the public spoke. On motion and second by Comm. Carl Bolz and James Fortuna the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. Carl Bolz and James Fortuna the Commission granted final approval of a two (2) lot resubdivision of the property of Tuttle Road Associates and the City of Middletown located at the intersection of Tuttle Road and Putter Place in The Meadows at Riverbend Subdivision with the condition that the lot line be adjusted to one hundred (100) feet at the street and that all departmental comments be addressed. Vote was unanimous. Applicant/agent Tuttle Road Associates S95-6

ITEM 2b.2  
GRANTED  
FINAL AP-  
PROVAL OF  
A TWO (2)  
LOT RESUB-  
DIVISION  
OF THE PRO-  
PERTY OF  
TUTTLE ROAD  
ASSOCIATES  
AND THE CITY  
OF MIDDLE-  
TOWN LOCATED  
AT THE INTER-  
SECTION OF  
TUTTLE ROAD  
AND PUTTER  
PLACE IN THE  
MEADOWS AT  
SUBDIVISION

Robert Fusari introduced Steven Rocco, who explained the history of the property. A. Rocco explained the family history. Robert Fusari explained the facts of the project, commented on school, children, and tax benefits and reviewed the departmental comments. George Smilas commented on the Water and Sewer comments. Robert Fusari continued on traffic impacts and the one-way bridge.

ITEM 2b.3  
CLOSED THE  
P.H. FOR A  
PROPOSED  
SPECIAL EX-  
CEPTION TO  
ALLOW

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From the public, Carol Morand, who has had family on Jackson Street for eighty-eight (88) years, indicated that her mother lives there now, feels the site is inappropriate and feels the traffic is very dangerous. She commented on Midtown Towing. R. Mucchi, whose family lives on Jackson Street, commented on traffic and the delay to get out. He does agree with a Main Street connection. D. Anderson comments on the one-way bridge. James Russo commented on controlling residential development, feels the Commission should not grant any more special exceptions for residential, commented on tax impacts, and called for a moratorium. M. Dawson commented on accidents and the neighborhood. Robert Fusari indicated the site is seventy (70) feet from the railroad tracks and is not in the flood plain. He responded to the left turns, feels it will be a net tax benefit to the city and that there are only approximately six (6) kids. Comm. Andy Rak questions if there are sidewalks on Jackson Street and the downtown connection. Robert Fusari responded no but indicated that stairs to the Newfield Street sidewalk exists. Comm. Andy Rak questions Section 44.08 Special Exception criteria. S. Hesketh, a traffic engineer, explained that his study says there is no impact. Comm. George Lapadula commented on impacts on Fridays. Comm. Andy Rak questioned the Police report. S. Hesketh indicated that there has been no accident history for the past three (3) years. Comm. Carl Bolz questioned Officer Craig Elkin of the Traffic Division of the Middletown Police Department. William Warner questioned the site line requirements. S. Hesketh responded. Comm. George Lapadula commented on West Street. Officer Craig Elkin commented on the behavior of drivers at the intersection and the one-way bridge. Comm. Andy Rak questioned pedestrian traffic. Officer Craig Elkin indicated there are no sidewalks. Comm. John Voli questioned solutions. Officer Craig Elkin suggested widening the bridge. Comm. John Pieper questioned the strength of the bridge. Tom Nigosanti indicated the new State of Connecticut bridge had been designed and tested. Robert Fusari and S. Hesketh commented on the bridge and other uses in the MX zone. Comm. John Pieper questioned flooding. Tom Nigosanti responded. D. Morand commented on school buses, safety of children walking on the road, the line of site, electrical lines and boxes on the bridge. He felt there were major safety concerns. J. Bagley commented on traffic problems on Washington Street. C. Morand commented on flooding. J Russo commented on the history of condominiums. Robert Fusari indicated that hard data supports the project. On motion and second by Comms. William Wilson and George

THIRTY-EIGHT  
(38) UNITS  
OF MULTI-  
FAMILY  
HOUSING AT  
THE END OF  
JACKSON  
STREET IN  
THE MX ZONE

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Lapadula the Commission closed the public hearing for a proposed Special Exception to allow thirty-eight (38) units of multi-family housing at the end of Jackson Street in the MX zone and placed the item under Old Business at the next meeting. Vote was unanimous. Applicant/agent Real Estate Service of Connecticut SE2002-2

William Warner explained the regulation. From the public, S. Devotto spoke in opposition for Westfield Residents for Rational Development of Middletown, and feels it is essentially creating two-family homes. Comm. Andy Rak questioned what to do with elderly parents. Comm. George Lapadula indicated the housing code. Arline Rich commented on special permits. On motion and second by Comms. George Lapadula and James Fortuna the Commission continued the public hearing for a proposed Zoning Code text amendment to add Section 12.14 to regulate accessory apartments. Vote was unanimous. Proponent PCD Dept.

On motion and second by Comms. George Lapadula and James Fortuna the Commission tabled a proposed seven (7) lot resubdivision of the property of William King located between Ridgewood and Poplar Roads to be known as Ridgewood Meadows. Vote was unanimous. Applicant/agent Bricon Custom Homes, Inc./ Conklin & Soroka, Inc. S2002-19

William Warner explained the proposed text and definitions. Brief discussion ensued. On motion and second by Comms. William Wilson and George Lapadula the Commission adopted a Zoning Code text amendment to modify Sections 16.10.01, 16.10.02, 60.06 and 60.06.01 Junkyards with an effective date of January 22, 2003. Vote was unanimous. Proponent PCD Dept. Z2002-5

ITEM 2b.4  
CONTINUED  
P.H. FOR A  
PROPOSED  
ZONING CODE  
TEXT AMEND-  
MENT TO ADD  
SECTION 12.14  
TO REGULATE  
ACCESSORY  
APARTMENTS

ITEM 2b.5  
TABLED A PRO-  
POSED SEVEN  
(7) LOT RESUB-  
DIVISION OF  
THE PROPERTY  
OF WILLIAM  
KING LOCATED  
BETWEEN  
RIDGEWOOD  
AND POPLAR  
ROADS TO BE  
KNOWN AS  
RIDGEWOOD  
MEADOWS

ITEM 2b.6  
ADOPTED A  
ZONING CODE  
TEXT AMEND-  
MENT TO  
MODIFY SEC-  
TIONS 16.10.01,  
16.10.02, 60.06,  
60.06.01 JUNK-  
YARDS

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William Warner explained the proposed amendments. S. Devot, Westfield Residents for Rational Development of Middletown, spoke in support. On motion and second by Comms. George Lapadula and James Fortuna the Commission adopted a Zoning Code text amendment to add Sections 48.01.11 and 48.07(Q) and to modify Section 48.07(K) Off-Site Advertising Signs with an effective date of January 22, 2003. Vote was unanimous. Proponent PCD Dept. Z2002-6

ITEM 2b.7  
ADOPTED A  
ZONING CODE  
TEXT AMEND-  
MENT TO ADD  
SECTIONS 48.  
01.11 AND 48.  
07(Q) AND TO  
MODIFY SEC-  
TION 48.07(K)  
OFF-SITE AD-  
VERTISING  
SIGNS

On motion and second by Comms. Carl Bolz and George Lapadula the Commission tabled requests for release of the cash bonds for the following Sections in The Meadows at Riverbend Subdivision: 1) Section 3, Phase 4 (Lots 199-208 Moss Glen); 2) Section 4, Phase 1B (Lots 214-240 Rolling Green); 3) Section 4, Phase 2A (Lots 265-285 Greenview Terrace); 4) Section 4, Phase 2B (Lots 251-264 and 286-299 Greenview Terrace); 5) Section 4, Phase 3A (Lots 300-305 and 340-345 Eagle Hollow); 6) Section 4, Phase 3B (Lots 306-314 and 331-339 Eagle Hollow); and 7) Section 4, Phase 3C (Lots 315-330 Eagle Hollow) in accordance with the Water and Sewer Departmental comment. Vote was unanimous. Applicant/agent Tuttle Road Associates/Robert C. Fusari, President S93-3, S95-6

ITEM 3.1  
GRANTED RE-  
QUESTS FOR  
RELEASE OF  
THE CASH  
BONDS FOR  
VARIOUS  
PHASES IN  
SECTIONS 3  
AND 4 OF THE  
MEADOWS AT  
RIVERBEND

On motion and second by Comms. William Wilson and George Lapadula the Commission granted final approval of Crystal Lake Estates located off Millbrook Road with the condition that a cash bond in the amount of \$95,000 be posted. Vote was unanimous. Applicant/agent Richard D. Carell, Esq. S2002-7

ITEM 3.2  
GRANTED  
FINAL AP-  
PROVAL OF  
CRYSTAL  
LAKE ESTATES  
LOCATED  
OFF MILL-  
BROOK  
ROAD

On motion and second by Comms. George Lapadula and Andy Rak the Commission tabled a request for final approval of Monarca Estates located at 1111 Arbutus Street. Vote was unanimous. Applicant/agent Rosario Ferrero, Owner S93-14

ITEM 3.4  
TABLED A RE-  
QUEST FOR  
FINAL AP-  
PROVAL OF  
MONARCA  
ESTATES LO-  
CATED AT

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On motion and second by Comms. Andy Rak and William Wilson the Commission granted a request for release of the cash bond for Westfield Hills Subdivision, Section Five. Vote was unanimous. Applicant/agent J.D.C. Enterprises, Inc. S95-10

1111 ARBUTUS  
STREET

ITEM 3.5  
GRANTED A RE-  
QUEST FOR RE-  
LEASE OF THE  
CASH BOND FOR  
WESTFIELD  
HILLS SUB-  
DIVISION, SEC-  
TION FIVE

On motion and second by Comms. William Wilson and George Lapadula the Commission granted a request for release of the cash bond for The Woods at Westfield Hills Subdivision. Vote was unanimous. Applicant/agent Signature Homes Corporation/Kevin Daley S99-7

ITEM 3.6  
GRANTED A RE-  
QUEST FOR RE-  
LEASE OF THE  
CASH BOND FOR  
THE WOODS AT  
WESTFIELD  
HILLS SUB-  
DIVISION

On motion and second by Comms. William Wilson and George Lapadula the Commission granted final approval of Highland Hill Farm (formerly Steeplegate) Subdivision with the condition that a bond in the amount of \$270,000 and that all departmental comments be addressed. Vote was unanimous. Applicant/agent Atty. Walter A. Twachtman, Jr. S96-3

ITEM 3.7  
GRANTED  
FINAL AP-  
PROVAL OF  
HIGHLAND  
HILL FARM  
(FORMERLY  
STEEPLE-  
GATE SUB-  
DIVISION

On motion and second by Comms. George Lapadula and Andy Rak the Commission scheduled a public hearing date of January 22, 2003 for a proposed two (2) lot resubdivision of the property of Mylchreest Realty LLC located at 980 South Main Street just south of the Randolph Road intersection. Vote was unanimous. Applicant/agent Mylchreest Realty LLC/David B. Mylchreest S97-1

TEM 4.1  
SCHEDULED P.H.  
1/22/03 FOR A  
PROPOSED TWO  
LOT RESUB-  
DIVISION OF  
THE PROPERTY  
OF MYLCHREEST  
REALTY LLC  
LOCATED AT 980  
SOUTH MAIN  
STREET JUST  
SOUTH OF THE  
RANDOLPH

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On motion and second by Comms. George Lapadula and Andy Rak the Commission scheduled a public hearing date of February 12, 2003 for a proposed fifteen (15) lot resubdivision with a Special Exception for a large lot environmentally sensitive subdivision of the property of Howard and Noreene Carlson located on the south side of Kelsey Street across from the Paterson Drive intersection to be known as Clearview Estates. Vote was unanimous. Applicant/agent Howard and Noreene Carlson/Christopher Bell S2002-

ROAD INTER-SECTION

ITEM 4.2  
SCHEDULED P.H.  
2/12/03 FOR A  
PROPOSED FIFTEEN (15) LOT  
RESUBDIVISION  
WITH A SPECIAL  
EXCEPTION FOR  
A LARGE LOT  
ENVIRON-  
MENTALLY SEN-  
SITIVE SUB-  
DIVISION OF THE  
PROPERTY OF  
HOWARD AND  
NOREENE CARL-  
SON LOCATED  
ON THE SOUTH  
SIDE OF KELSEY  
STREET ACROSS  
FROM THE PATER-  
SON DRIVE IN-  
TERSECTION TO  
BE KNOWN AS  
CLEARVIEW  
ESTATES

On motion and second by Comms. George Lapadula and James Fortuna the Commission scheduled a public hearing date of February 12, 2003 for a proposed Special Exception for 180 multi-family dwellings to be located on the west side of George Street between Washington Street and Boston Road to be known as Nohl Crest III. Vote was unanimous. Applicant/agent Landmark Development Group, LLC/Glenn Russo, Manager SE2002-7

ITEM 4.3  
SCHEDULED P.H.  
2/12/03 FOR A PRO-  
POSED SPECIAL  
EXCEPTION FOR  
180 MULTI-  
FAMILY DWEL-  
LINGS TO BE LO-  
CATED ON THE  
WEST SIDE OF  
GEORGE STREET  
BETWEEN  
WASHINGTON  
STREET AND  
BOSTON ROAD  
TO BE KNOWN  
AS NOHL CREST  
III

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On motion and second by Comms. George Lapadula and Andy Rak the Commission scheduled a public hearing date of February 26, 2003 for a proposed Zoning Code text amendment to add Section 44.08.12A Drive-through businesses. Vote was unanimous. Applicant/agent Committee concerning people with disabilities/Dowley & Associates Z2002-7

ITEM 4.4  
SCHEDULED P.H.  
2/26/03 FOR A PRO-  
POSED ZONING  
CODE TEXT A-  
MENDMENT TO  
ADD SECTION  
44.08.12A DRIVE-  
THROUGH  
BUSINESSES

On motion and second by Comms. George Lapadula and Andy Rak the Commission scheduled a public hearing date of February 26, 2003 for a proposed two (2) lot resubdivision with a Special Exception for a rear lot of the property of Yolanda Wysocki located at 227 Newfield Street. Vote was unanimous. Applicant/agent Paul E. Wysocki, Trustee/Bascom & Magnotta, Inc. S2002-21

ITEM 4.6  
SCHEDULED P.H.  
2/26/03 FOR A PRO-  
POSED TWO (2)  
LOT RESUB-  
DIVISION WITH  
A SPECIAL EX-  
CEPTION FOR A  
REAR LOT OF THE  
PROPERTY OF  
YOLANDA WY-  
SOCKI LOCATED  
AT 227 NEWFIELD  
STREET

On motion and second by Comms. Andy Rak and James Fortuna the Commission gave an affirmative G. S. 8-24 Review for the final design of the proposed Mattabasset Trolley Trail Project. Vote was unanimous. Applicant/agent City of Middletown Public Works Department/Salvatore C. Fazzino, Director

ITEM 4.7  
GAVE AN AF-  
FIRMATIVE G.S.  
8-24 REVIEW  
FOR THE FINAL  
DESIGN OF THE  
PROPOSED  
MATTABASSETT  
TROLLEY TRAIL  
PROJECT

On motion and second by Comms. George Lapadula and James Fortuna the Commission scheduled a public hearing date of February 26, 2003 for a proposed seven (7) lot resubdivision of the property of Sal Fazzino and Sebi Aresco located on the east side of Brush Hill Road near Dooley Pond to be known as Copper Beech. Vote was unanimous. Applicant/agent Salvatore Fazzino & Sebastian Aresco S2002-23

ITEM 4.8  
SCHEDULED P.H.  
2/26/03 FOR A PRO-  
POSED SEVEN  
LOT RESUB-  
DIVISION OF THE  
PROPERTY OF  
SAL FAZZINO  
AND SEBI ARESKO  
LOCATED ON THE  
EAST SIDE OF

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BRUSH HILL ROAD  
NEAR DOOLEY  
POND TO BE  
KNOWN AS  
COPPER BEECH

On motion and second by Comms. William Wilson and George Lapadula the Commission scheduled a public hearing date of January 22, 2003 for a proposed two (2) lot resubdivision of Lots #2 and #5 of the Dina Estates Subdivision located off Bartholomew and Shunpike Roads. Vote was unanimous. Applicant/agent Salvatore Fazzino S2002-20

ITEM 4.9  
SCHEDULED P.H.  
1/22/03 FOR A PRO-  
POSED TWO LOT  
RESUBDIVISION  
OF LOTS #2 AND  
#5 OF THE DINA  
ESTATES SUB-  
DIVISION LO-  
CATED OFF  
BARTHOLOMEW  
AND SHUNPIKE  
ROADS

On motion and second by Comms. George Lapadula and Andy Rak the Commission scheduled a public hearing date of March 12, 2003 for a proposed four (4) lot resubdivision with a Special Exception for a large lot environmentally sensitive subdivision of the property of SueC, LLC & Round Hill Holdings, LLC located on the north side of Round Hill Road near Arbutus Street to be known as Hill Top Estates. Vote was unanimous. Applicant/agent Round Hill Holdings, LLC Howard Carlson, its duly authorized member S2002-24

ITEM 4.10  
SCHEDULED P.H.  
3/12/03 FOR A PRO-  
POSED FOUR (4)  
LOT RESUB-  
DIVISION WITH A  
SPECIAL EXCEP-  
TION FOR A  
LARGE LOT EN-  
VIRONMENTALLY  
SENSITIVE SUB-  
DIVISION OF THE  
PROPERTY OF  
SUEC, LLC &  
ROUND HILL  
HOLDINGS, LLC  
LOCATED ON  
THE NORTH  
SIDE OF ROUND  
HILL ROAD NEAR  
ARBUTUS STREET  
TO BE KNOWN  
AS HILL TOP  
ESTATES

On motion and second by Comms. William Wilson and George Lapadula the Commission scheduled a public

ITEM 4.11  
SCHEDULED P.H.

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hearing date of January 22, 2003 for a proposed Special Exception to convert an existing building at 606 Main Street from plumbing supplies to a liquor store. Vote was unanimous. Applicant/agent John Bagley/Joseph Milardo, Jr. SE2002-8

1/22/03 FOR A PROPOSED EXCEPTION TO CONVERT AN EXISTING BUILDING AT 606 MAIN STREET FROM PLUMBING SUPPLIES TO A LIQUOR STORE

On motion and second by Comms. George Lapadula and Andy Rak the Commission scheduled a public hearing date of March 12, 2003 for a proposed one (1) lot resubdivision with a Special Exception for a rear lot of the property of Carl Haftel located on Sand Hill Road. Vote was unanimous. Applicant/agent Carl Haftel/Dowley & Associates S2002-22

ITEM 4.12  
SCHEDULED P.H.  
3/12/03 FOR A PROPOSED ONE LOT RESUBDIVISION WITH A SPECIAL EXCEPTION FOR A REAR LOT OF THE PROPERTY OF CARL HAFTEL LOCATED ON SAND HILL ROAD

On motion and second by Comms. James Fortuna and William Wilson the Commission approved the minutes of the October 23, 2002 meeting. Vote was unanimous.

ITEM 5.1  
APPROVED THE MINUTES OF THE 10/23/02 MEETING

The following correction was noted: On the second to the last page, take out "James Fortuna". On motion and second by Comms. George Lapadula and William Wilson the Commission approved as amended the minutes of the November 13, 2002 meeting. Vote was unanimous with Comm. James Fortuna abstaining.

ITEM 5.2  
APPROVED AS AMENDED THE MINUTES OF THE 11/13/02 MEETING

The Commission had no comments.

ITEM 5.3  
ZEO REPORT

Comm. John Voli questioned zoning amendments.

ITEM 6  
DISCUSSION WITH PUBLIC

A motion for Comm. Stephen Gadowski as Vice-Chairman was made by Comm. John Pieper and seconded by Comm. James Fortuna. A motion for Comm. Andy Rak as Vice-Chairman was made by Comm. George Lapadula and

ITEM 1a  
ELECTION OF OFFICERS

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seconded by Comm. William Wilson. A paper ballot was held. The result was a 4-3 vote, four for Comm. Stephen Gadomski and three for Comm. Andy Rak. A second paper ballot was held. The result was again a 4-3 vote, four for Comm. Stephen Gadomski and three for Comm. Andy Rak.

On motion and second by Comms. James Fortuna and George Lapadula the Commission adjourned the meeting.

ITEM 7  
ADJOURNMENT

Respectfully submitted,

William Warner, AICP  
Director of Planning, Conservation and Development