

Chm. Steven J. Leinwand, Vice-Chm. Stephen T. Gionfriddo, Sec'y Cos Guifrida, Comm. Carta, Comm. Pattavina, Alternates: Comm. Bixby, Comm. Garafalo, Comm. Loffredo COMMISSION MEMBERS PRESENT

Mayor Michael J. Cubeta, Jr., Ex-Officio, Salvatore Fazzino, Public Works Director, Ex-Officio, Comm. Passanesi, Comm. Sbalcio MEMBERS ABSENT

Dir. George A. Reif, Hope P. Kasper, Transcribing Secretary, Althea Rinaldi, Recorder STAFF

Lucas Held, Reporter, Middletown Press, Philip Bauer, Engineer, Public Works, Joseph Tironi, WCNX and 46 members in the audience. OTHERS

CHM. LEINWAND

I would like to call to order the Regular Meeting of the Planning and Zoning Commission of January the 12th, 1982. 1983, I'll only do that for about the first of March. We have one, two, three, four, so that means five, six seven. Alternate schedule goes as follows: For the Public Hearing and for the Meeting unless other members arrive, Comm. Bixby, you'll be sitting in for Comm. Giuffrida, Comm. Garafalo for Comm. Passanesi, and Comm. Loffredo for Comm. Sbalcio. Having taken care of roll, we move to the Public Hearing, and in the absence of the secretary, I would like to open the Public Hearing, and announce that there are five items on the Public Hearing agenda. We'll take them one at a time and if there are people in the audience that have not been here at Planning and Zoning Meetings in the past, the way we do this is listen to the proponent first and then when the proponent is done, the general public we'll ask if there is anyone else that wishes to speak to that particular proposal. First those that wish to speak in favor of it and then those who wish to speak opposed to it. We therefore have the Public Hearing item number 1,

Proposed Special Exception for the conversion of residence to professional office and residence, for David and Marcia Kalayjian, located at 51 S. Main Street. Applicant/agent Dean A. Thomasson, Attorney. The above is located in the R-4 zone. PROPOSED S.E. CONVERSION SOUTH MAIN ST. DAVID & MARCIA KALAYJIAN

Dean, before you start, let the record show that the Planning and Zoning Commission is holding this Public Hearing on January 12th, 1982, starting at 7:00 P.M. in the Council Chambers, Municipal Building, DeKoven Drive, Middletown, Connecticut and that Legal Notice appeared in the Middletown Press on both Friday, December 31, 1982 and Friday, January 7th, 1983. Sir. ATTY. THOMASSON SE82-

DEAN THOMASSON

Good Evening, my name is Dean Thomasson and I'm an Attorney for David and Marcia Kalayjian. I'm representing them for their application for a special exception to the Zoning rules to convert a existing multi-family structure at 51 South Main Street to a professional office business and a residential apartment upstairs. The proposal also includes and an an enclosure of an existing porch area. So he has an additional space and an addition off the rear to help clean up some of the lines there and also the structure lines on the building. And also to give him some more examining room space. There will be a paved parking lot consisting of thirteen spaces with a catch basin and drainage to the back yard, an existing catch basin on South Main Street. I believe the parking requirements and the other requirements have all been met, and if anyone has any questions, I'll be happy to answer them.

COMM. LEINWAND

How many residences? How many units are in the building now?

BOORUM & PEASE "NGEAR"

BOORUM & PEASE "NGEAR"

DEAN THOMASSON

I believe there's three and possibly four. The owner, and then one other person on the first floor, and upstairs there's one and possibly a second one.

CHM. LEINWAND

And you're proposing the entire building gets used for offices.

DEAN THOMASSON

The first floor would be entirely for the medical offices. There is three rooms upstairs that would be reserved for use as an apartment for the present owner. And a portion of the upstairs would be for storage.

CHM. LEINWAND

This is the first building that one comes to after the Mather Douglas House. When one comes south on South Main Street?

DEAN THOMASSON

It is going south of the Mather Douglas House, the apartments....

CHM. LEINWAND

Yes.

DEAN THOMASSON

And then right next.....

CHM. LEINWAND

The apartments are set back....

DEAN THOMASSON

Right.

CHM. LEINWAND

So that it's the first house.

DEAN THOMASSON

Right.

CHM. LEINWAND

Are there other questions? Comm. Garafalo.

COMM. GARAFALO

Mr. Chairman, as you will...I was just wondering if the applicants are aware of the staff comments?

DEAN THOMASSON

Yes, I have been in touch with Mr. Reif and I believe there was comments concerning the size of the pipe, the flow was adequate; but there was some concern that there might be a problem with cleaning. So I increased it to 8 inches instead of six. I've also shown a refuse container location area which is a typical point that is raised. And the...because this is located in the South Green Historic District, any conversion requires an approved fire sprinkler system. So that point I've already addressed on the drawing. I've revised copies of the drawings and if you need those submitted.....

DIR. REIF

I think they should have the latest drawing, yes.

BOORUM

BOORUM & PEASE "NOTEAR" ®

"NOTEAR" ®

DEAN THOMASSON

I can give you a copy of that now if you like.

CHM. LEINWAND

The area in the back is now grass?

DEAN THOMASSON

Presently grass, it slopes to a yard drain and(inaudible, too far from microphone). You need more? One more.

DIR. REIF

It would be good...

DEAN THOMASSON

It slopes to a yard drain in the back and our plan will be to pick up the present drainage, gutter drainage, and down spout and tie that into the catch basin. And then have it all to the street. There will be a clean out at a right angle where (inaudible) (Unfolding papers)

CHM. LEINWAND

How about the driveway? You got an existing driveway now, but you're talking about widening that somewhat?

DEAN THOMASSON

The proposal is to be (inaudible, folding papers). The sidewalks, we're anticipating the sidewalk grade and curbing for the sidewalk is satisfactory. They'll be a little bit of widening (inaudible, folding papers). And probably the present asphalt is important for the driveway. It'll probably...It will all be removed, it will be torn up for the drainage and at the same time, we'll get a better grade.

CHM. LEINWAND

Are there other questions? Comm. Loffredo, did you have a question before?

COMM. LOFFREDO

No.

CHM. LEINWAND

The grade just about at the street is fairly steep, the way along there. Phil, have we looked at that in terms of...It's only three or four cars that are coming out of that driveway at any time, and most of them are just sort of lined up along the driveway. If...we're talking about thirteen spots and a medical office, people are coming and going all day long. Have we looked into that?

PHIL BAUER

That was all designed in the redevelopment area...(inaudible, multiple speakers) It's rather steep at the access in and out and egress from that section, but there is no difficulty at the present time. We can't ask them to change the grade. It would be more comfortable to do something like they did to the south.

CHM. LEINWAND

Could we talk about a right turn only? I mean I guess I would want to see how far down it is, but within that first hundred and fifty feet of the light and the intersection there, where they are putting in new sidewalks, I believe. It's a fairly awful place, I would think to come out of that driveway and take a left turn. I mean you've walked it, you've looked at it.

DEAN THOMASSON
Yes.

CHM. LEINWAND
Do you have any thoughts on that?

DEAN THOMASSON
I wasn't upset about the traffic being more than (inaudible, folding papers). The lowering of the driveway has we did talk about that. I talked with the Building Inspector and he mentioned it was probably at this time, it might create more problems than not. We certainly may be interested in lowering the sidewalks a little. There is another medical office.

DIR. REIF
Mamoo.

DEAN THOMASSON
It's a little steep, I think.

DIR. REIF
If they made an interstate highway out of it.

DEAN THOMASSON
Our concern would be the sidewalk would be too steep.

CHM. LEINWAND
Other questions? If not, thank you Dean.

DEAN THOMASSON
O.k.

CHM. LEINWAND
Is there anyone from the Public that wishes to speak to this particular proposed special exception. Pro? Con? Indifferent? Good. If not, let's go to item 2 which is:

Item 2. Proposed change of zone of a parcel of land on Washington Street, Route 66 from R-1 to B-2. This is the east side of Plaza Drive for DaSilva Associates of Ansonia, Connecticut. Presently the property of Henry B. Thrall. Applicant/agent Purcell Associates from Glastonbury, Connecticut.

PROPOSED
ZONING
MAP AMEND-
MENT
WASHINGTON
ST. 782-

SEBASTIAN DA SILVA
Good Evening, my name is Sebastian DaSilva. I'm one of the Purcell Associates. Since I'm one of the applicants, I'd thought I'd introduce myself and let you know a little about myself and the intentions for the property. We are....

CHM. LEINWAND
Excuse me, could you sit down so we could pick it up on the microphone?

SEBASTIAN DA SILVA
Sure.

CHM. LEINWAND
Thank you.

SEBASTIAN DA SILVA

We have a Burger King franchise and I assume this is no news to the Board. That's what we're proposing for the site. We operate several different Burger Kings such as one in Town here in the Square. The proposed site before we do come up to a decision such as this, we go out and look at the site and investigate to see what impact such a development would have on the neighbors and so forth. The in looking at this site we felt that since the place was already and boundaries would R-2 zoning. They look very favorable to us. So therefore that's why we're here tonight. I don't have any technical questions, if the Board is going to ask. At this point I would introduce Mike Sukowski, which is the engineer, with Purcell.

CHM. LEINWAND

Excuse, Comm. Pattavina.

COMM. PATTAVINA

Have you felt what impact that this might have on the traffic with the situation on Route 66? We know we have a problem there. We've done a survey on this.

MIKE ZUKOWSKI

Let me go through a little bit of what we're talking about here, and I think we can talk some about the traffic situation on Route 66.

CHM. LEINWAND

Mike, again, if you want to speak from the map, let me ask you to speak up and we'll try and pick it up on this microphone here.

MIKE ZUKOWSKI

The parcel is here. I think what we're asking to do is to extend the zone across the street in our review of the area, we feel that type of an extension to B-2 from R-1 is generally compatible with the complexion of the area, the commercial center shopping that now exists. The traffic aspects here on this site, I would venture a guess everyone is concerned about the impact here on Route 66. Last week, Mr. DaSilva and myself and another representative from our office met with representatives of Conn DOT to review the site and to determine what their perceptions were and any difficulties we may have. Their review of the site and some rather preliminary sketches that we developed indicated that they see no difficulty with providing a right turn only onto the site and for traffic which is west bound on Route 66. They were in agreement with our assumption that traffic existing and making a left turn or right hand turn onto Route 66 directly was ill advised; and we're all in agreement that traffic that will exit from this facility will go out on Plaza Drive and pass through the traffic which is located at the intersection. I think ourselves and Conn DOT are reasonably well convinced that the traffic signal will serve to continue or buffer out any really significant impacts. We've had our traffic at Purcell make a rather preliminary look at the site. They're in agreement that we can use the traffic signal as an appropriate way to control the flow. Now,....

CHM. LEINWAND

Let me interrupt so that everyone here and I doubt I'm the only one confused. All we're doing here is now dealing with the proposed change in zone?

MIKE ZUKOWSKI

That's correct.

CHM. LEINWAND

But obviously, a change in the zone would be soon followed by a site plan that involved the proposed Burger King on that site. So we are in fact also talking about the traffic flow that the Burger King would bring us if we were to change the zone. Now, you're

BOORUM & PEASE

CHM. LEINWAND (Continued from Page 5)
saying if you would come in off of Washington Street? I....

MIKE ZUKOWSKI
Yes, we'd be coming west...

CHM. LEINWAND
Yes.

MIKE ZUKOWSKI
would be allowed to make a right turn.

CHM. LEINWAND
Into the site. O.k. Suppose you're coming the other way? Easterly?

MIKE ZUKOWSKI
Easterly, the traffic light, make the turn onto Plaza into the site off of Plaza.

CHM. LEINWAND
And everyone would leave the site

MIKE ZUKOWSKI
onto Plaza, through the traffic light.

CHM. LEINWAND
It sort of makes the question in that...We've got cars coming at each other in a sense. We've got cars coming in from Washington Street trying to find a spot to park somewhere. Right? You also got cars coming into the site from there; and everyone is leaving that way. Can you help us with that?

MIKE ZUKOWSKI
Yes, the on site traffic circulation exits, access points, and parking has been worked out. The site lends itself very well to the size of the facility we're talking about in it's a very deep site. So we're able to spread that out a bit and we don't foresee that there's going to be any difficulty with people coming down here, making their turn on, and other traffic coming out and turning across Plaza, and getting into the south bound lane going back onto 66.

CHM. LEINWAND
Your response to Comm. Pattavina's question was that Conn DOT. I think everyone around this table sort of jokes when DOT doesn't have a problem with it. Our problem is that Conn DOT doesn't have a problem with Route 66. We all do and we wish they saw it the problem the way we do. That now withstanding, you said they would be amenable to a right turn only.

MIKE ZUKOWSKI
Based on that being a workable...I'm sorry. Go ahead. A workable access point. They would not see that as being a difficulty.

CHM. LEINWAND
That third lane. Or that's one of the two lanes going westerly?

MIKE ZUKOWSKI
It would be one of the two.

CHM. LEINWAND
The left hand lane you understand already gets bottled up because frequently that is where everyone turns into Caldors. It bottles up well before the Plaza

BOORUM & PEASE "NOTED" ®

CHM. LEINWAND (Continued from Page 6)

Drive light. So you'll have a right turn only lane that would force those people over to the left. Correct? Am I right?

MIKE ZUKOWSKI
No. No.

CHM. LEINWAND
Then help me.

MIKE ZUKOWSKI

There would be a right turn lane is here and bring the traffic in here. You're not telling people who exit and end up in here which will be able to stay at the light. Now, the way the site is laid out, we would be back....We would take the first three or four hundred feet in here....

CHM. LEINWAND
Excuse me.

MIKE ZUKOWSKI

We would be back far enough so that we're reasonably confident that no traffic will be backed up for people who are looking for parking spaces.

CHM. LEINWAND

I understand that. Right turn only means you can only use that if you're going to turn in to Burger King. I mean Comm. Loffredo uses that road to get home all the time. Now, let me just pose that is...you need to help me. You have to convince me that this works. Obviously I wouldn't be asking these questions. You know, right if you're going out well past the whole thing, we're talking about going toward Middlefield, that the left hand lane is not the place to be in. Because first of all you got a left hand turn only that goes into Caldors. Right? I would assume that soon after all the road you move into the right, you stay in the right and go straight on through. That is the direction of the route that gets traffic the heck out of there. Now,

COMM. PATTAVINA
Excuse me. Mr. Chairman

CHM. LEINWAND
Comm. Pattavina

COMM. PATTAVINA

The way I understand that when you do at least to Plaza Drive, it is basically a right lane traffic. And to take a right at Plaza Drive for the Burger Chef or Kings or whatever it is, it would be no problem. I can see a problem coming down from Meriden into Middletown because I can understand that with that light there, it might be fifteen second light which is a bottle neck for traffic coming into Middletown on Route 66. And with this right here like if you get four or five cars, cars also come from Friendly's to get onto Plaza Drive, I think they have to extend a period of that light. My concern is extending it another 15 seconds, let's say to get three or four more cars or even five of them, what it would do from people coming in from Meriden down? And as far as going to Middletown out, I don't see any serious problem there. It's coming in that would be the problem. And I was hoping that you might have some solution to that problem.

MIKE ZUKOWSKI

No, in all honesty we do not have an answer to the question of what impact that would occur on the cars coming into Middletown. We don't have an answer to that.

CHM. LEINWAND

Thank you, Comm. Carta

COMM. CARTA

I can shed a little light on your question, I use that intersection half a dozen times a day. When you're heading toward Meriden, that right hand lane as Comm. Pattavina was saying is that you try to go straight through the right hand lane. Maybe two out of six times, you make it. The rest of the time, there's cars lining up to up Plaza Drive.....

CHM. LEINWAND

O.k.

COMM. CARTA

to make the right hand turn. So it's...It was never intended for a straight through lane. Although I have tried and many people do try it. That would work well go off on a right hand turn going in; and I wouldn't like to see any cars trying to get out of Burger Chef at all coming onto Washington Street. It doesn't make sense.

CHM. LEINWAND

Yes.

COMM. CARTA

And I ultimately and intimately familiar with the site, and I remember Carabetta tried to buy that to extend his development. That, if you're familiar with that at all, that site extends all the way back up the street to the parking lot. It's an extraordinary long site. If you're...I just going to make some comments and I'll.....If what you're saying is not and I want you to feed back to me. You have a long frontage on Plaza Drive which is across the street from two or three exits from Kings Plaza. One at Friendlys and one and another up too. There is at least two. Say if....What is your intention of the layout way up the street? Or are you going to come out on the corner?

MIKE ZU KOWSKI

We've got the traffic coming out probably roughly about 200 feet up from the corner. We need at least that to get everything worked out for the building. So we may come back a little further. We got a plan or two that show us use about three hundred fifty to four hundred feet on Plaza Drive frontage. It's actually five and thirty-five feet on Plaza Drive. We may end coming a little further up if we need that to get the proper on site traffic circulation at the same time providing enough space that we don't end up with a little bit of a grid lock here with our people trying to get onto Plaza in front of the light. So we can move it up here so we can stack enough cars on Plaza so there won't be that kind of a situation.

COMM. CARTA

O.k. I can answer more questionsthan I would clarify.

CHM. LEINWAND

O.k., COMM. GARAFALO

COMM. GARAFALO

This concerns as we know there's some renovation going on right now at the old Kings. We've been without that traffic problem for a couple years or a year and a half at least. That could be an added flow on Plaza Drive and I think it is

COMM. GARAFALO

important that holding area extends further back. Another question I have and I don't know if anyone has the answer is, is that a four-way light out on Plaza Drive in here? The game to play now a days is rather than wait for the light, is to sneak out (inaudible, multiple speakers)

CHM. LEINWAND

No, it is a three-way light and people that come out from the Hartford National Bank there sort of come out, not sort of, but come out close enough to westerly direction that they have to follow that light most of the time. Although, some people make believe they didn't see it, and there's no traffic and scoot along. I think that's...

COMM. GARAFALO

That's a problem.

COMM. CARTA

It is four ways. The light itself is four-ways.

CHM. LEINWAND

No one when coming out of the bank can see that fourth way.

COMM. CARTA

They're now obliged to....at least four ways. They're not obliged to pay attention to it because they're not entering from a Town street. That's the problem with it.

CHM. LEINWAND

Did you have more presentation?

MIKE ZUKOWSKI

No, I believe that concludes our technical presentation, but if you have further questions from the Board.

CHM. LEINWAND

Comm. Loffredo

COMM. LOFFREDO

A parcel of the land, the east of the of the (inaudible) parking lot, are you aware what the intend of that (inaudible, too far from microphone)

MIKE ZUKOWSKI

It's currently vacant, as I'm sure you're aware. We're not aware at this time of any plans to do anything with this.

CHM. LEINWAND

It's...if I can follow up, it's an important question, not just for that, but I think it's fair to say that in considering this particular proposal, it forces the Commission to look at that whole chunk of R-1 land. There's a stretch of land that maybe better served, the City maybe better served, if it all was made at some point B-2. That raises the whole traffic issue again and the Police Department's comments. For example, to us you know speak to coming out on Plaza Drive, but their concern if no future development that might come out of this, come out onto Washington Street as well. So my question to you is have you considered some kind of a service road or an access road on the notherly part of your parcel that could serve the development that may come whether we change the zone or whether I mean talking about a broader area.

COMM. GARAFALO

Yes, like in here.

BOORUM & PEASE "NOISE" ®

CHM. LEINWAND
That's right.

MIKE ZUKOWSKI

There's been no thought at this time given to a service road. And I hope that something we in the Purcell Associates can consider at some point. It depends I think ultimately how well we can officially, economically that we can utilize the land. As I've said earlier, we aren't looking to necessarily go all the way back, so there are options down the road at this point.

SEBASTIAN DA SILVA

Excuse me, Mike, the site is longer enough that if it was....I don't think we're going to utilize the whole thing, because it's so long. It will always be a piece at the rear that will remain for future development if necessary. I don't see any problem with that.

CHM. LEINWAND
Comm. Garafalo

COMM. GARAFALO

Was this particular plan given to the Police Commission? The reason I ask that question is that don't have any objections to the zone change, but they do request that a stipulation be included that any future development of said property, which I imagine is this one, plan an entrance to be located on Plaza Drive, but not Route 66. Now, we're talking not about an entrance on 66, I wonder if that concept has been approved by the Police Commission?

CHM. LEINWAND

My understanding is that the Police Commission has the same map that we did. They have not seen the site plan with circulation. Comm. Loffredo

COMM. LOFFREDO

If you....designate on that map the area that Inland Wetlands or swampy area?

MIKE ZUKOWSKI

We probably could. There's a stream that exits from the shopping center across the street, there is in-wall here which runs down and is a tributary of the Coghinchough River. We've reviewed the City's Wetlands Maps and this area here is not designated Wetlands. It is however a streambelt which will require some at some point to meet with the Wetlands Agency for fill to extend the existing which I believe is a thirty-six inch pipe, extend the existing thirty-six inch pipe to this point here with the new in-wall.

PHILIP BAUER

No increase in size, Mike?

MIKE ZUKOWSKI

I believe the plan calls for forty-eight or sixty, so what we'll probably end up doing here is picking up this stretch, I guess, one hundred and forty or so feet back here with a larger size pipe. All of our site drainage will go into that pipe and come back out which is basically what it does now. There'll be no pick up of any of the highway drainage or Plaza Drive drainage. It's all handled now with the existing storm drainage system.

CHM. LEINWAND

Other questions from members of the Commission? Comm. Carta.

COMM. CARTA

A...I have two questions. Did you do any traffic study other than what we discussed here now?

MIKE ZUKOWSKI

No, not a detailed traffic study.

COMM. CARTA

My other question is I've been tossing back and forth in mind, will this actually add extra traffic that in fact, you know that. When I look at its use, you're proposing, will it add extra traffic although, it will feed off of what is there? Is there any way to check that out? I know it's a difficult question to answer, I suppose. But I nevertheless, the question has come for me, is it that new people are going to come there or simply the people that are there are going to feed off?

MIKE ZUKOWSKI

I think there's always a possibility with a new building that you will generate some new traffic. Mr. DaSilva indicated at one point that the facility would employ about 40 people in a course of a day, and would be spread over....So if nothing else, you'll be bringing in new employees. You know, probably would not be traveling in this way at that time of the day. Of course, as you know, the area has got a lot of existing traffic generated already, so the questions of how many more....

COMM. CARTA

Burger King doesn't have any statistics?

MIKE KOWSKI

There's probably some statistics to be generated for the site. We probably could review that if that's what the Commission would like answered.

SEBASTIAN DA SILVA

I think that themost of the...the majority of the people in Burger King most of the time are people that are shopping already on the area. They're not only specific come to Burger King. Some, but a lot of people do come, you know, shop on the area.

CHM. LEINWAND

I think it's a good question, but I think you've got about the best answer we could expect. Because we really don't know.

COMM. CARTA

My thought for me initially that it doesn't generate any traffic, but I don't know that. I truly don't know that.

CHM. LEINWAND

The concern is traffic in general. I mean I think that we all know that we said wouldn't it be nice to get 66 widened before we do all more development. In all candor, and I know there are people that live in the neighborhood that are in the audience. I think it's now going to have to happen the other way. I mean it has to get even worse than it is now, before the state finally realizes that we've got to do something. In particular, Super Savers has increased the traffic on this particular holiday and we didn't even have Kings there. When this Food Mart warehouse opens, it's going to be worse than it's ever been. I think that everyone that lives out there now, knows that. I mean you don't have to be a genius, Food Mart, Burger King or no Burger King, to know that if you're coming

CHM. LEINWAND (Continued from Page 11)

in from Meriden, you can expect on Saturday from 10:15 in the morning until 2:30 in the afternoon to start, stop and go, at Randolph Road, if you're lucky, you get to the apartments. Not Randolph, I mean Ballfall Road.

Laughter

COMM. CARTA
Ballfall (inaudible)

CHM. LEINWAND
Is my face red?

Laughter

CHM. LEINWAND
Any other questions?

COMM. CARTA
That's my feeling, exactly.

CHM. LEINWAND
I know.

COMM. CARTA
The feeling is that the State has promised much and delivered nothing, until everything is stopped out there, they're not going to do anything.

CHM. LEINWAND
One for you. Is there anyone else that has a question? If not is there anyone in the Public that would like to speak in favor of this particular proposed zone change? This is in favor. O.k.

THOMAS WHITE
Attorney Tom White.

CHM. LEINWAND
Sir.

THOMAS WHITE
If I might just take two minutes, these gentlemen were not aware I was going to stop. I represent the Thrall family. And Ebbot Thrall, who as the owner, and occupier of that residence out there for years, has been my client. As most of you know, she deceased this past October. I only have two comments. One is the family obviously is joining in with requesting this zone change; and I think it's very important that this Board consider it seriously. I think that the thought that you just mentioned, Mr. Chairman, that the traffic problem out there is not going to be solved until the State has forced into a box hunt of thing as a truism. That whole area out there for many many years has been when you take from Old Mill Road going east and you take from Plaza Drive, going west; and that little area that's a couple of houses now is just getting crunched. I think we all know that sooner or later, it's got to happen. It's not going to be residence anymore. Because it just, you're not going to find anybody that's going to want to live out there. Especially on the north site of Washington Street, as you...the houses that we're talking about are going down. So on behalf of the Thrall family and there are several of them here, I would like to say that they are obviously in favor of this zone change. The other comment that I make and if really may not pertain directly to what you're

THOMAS WHITE (Continued from Page 12)

talking about tonight, but I've commented several times to the Public Works Department that I think the traffic problem on Route 66 between the Hartford National Bank at that light and the Old Mill Road, Boston Road, might be solved greatly if they would only permit right turns from Boston Road and Old Mill Road during that real heavy traffic what is it Saturday, Sunday, from 9 in the morning until 3 in the afternoon. If they only would permit right hand turns, then those lights would not stop the traffic on Route 66, and that's where it backs up. Old Mill Road and Boston Road. My only comment. But they are in favor of it.

CHM. LEINWAND

I can't resist telling you that I think that's a suggestion that would improve the traffic situation, but I'm not sure that it would improve the life for many of the people that live there.

THOMAS WHITE

I don't deny that but it would move the traffic. Thank you.

CHM. LEINWAND

Thank you. Anyone else wishing to speak in favor of this particular proposal? Sir.

JOE LENTINI

Yes, I want to ask a question.

CHM. LEINWAND

Please....we'll assume a question is that you want to speak against or have a question. Why don't you come forward and give us your name and address. It will get answered.

JOE LENTINI

O.k. My name is Joe Lentini and I live on Barbara Road. One of the questions that I want to ask is if that property is developed in what they want to do, and the Police Commission says that they don't want no entrance or anyone coming off directly onto Washington Street. Does that throw the property going, no towards there, the property before that, does that make that useless? For whoever owns that because there is no other way, because there is no other side street besides Plaza Drive? And I don't how much, I'm not familiar too much about all this, but I don't know how much weight like the Police Commission has on whether they can you know say you can't approve something because we don't want them entering or leaving on Washington Street or whatever. So what I'm getting at is if this is approved, is there something that can be done with, say the land way in back can be used, like another street parallel to Washington Street for the land before that one. I mean I don't know who them people are or whatever, I'm just hate to see land just go barren there because there is no way of getting in on Washington Street. If there so far back there's some how a right-a-way for the other land. A....

CHM. LEINWAND

Joe, let me try and answer that.

JOE LENTINI

O.k.

CHM. LEINWAND

On an item like this, we turn to the Water and Sewer Department, the Police Department, the Health Department, the Public Works Department for their comments. We

CHM. LEINWAND (Continued from Page 13)

make decisions. It is not the Police Department that makes those decisions. This Commission has the ability, I mean you've heard some of the questions. To approve this zone change, but with the stipulation, that no site plan can be approved for any entrance or exit onto Washington Street. This Commission has the right to approve the zone change that only will allow a site plan that provides for a service road. I mean that was the intent of that question so that in fact you could service the other thing. Or this Commission could simply say hey, go do whatever the heck you want. We don't care. Or we could turn it whole thing down. We have the ability to do all those things. That's why we have a Public Hearing to get input from City staff, Departments, as well as members of the Public. Does that help you? I mean I think we understand your point worrying about that other parcel of land. If in fact, it was going to be developed, you couldn't get in from Washington Street.

JOE LENTINI

Yes, right. I didn't even come here for this, but I mean I live near there. And the gentleman before me was saying about like you know right turns only during certain times of the day or whatever. I mean I use Washington Street to get home coming from one way or another, that would be kind of hecktick, you know, most of us people live in that, we couldn't make the right turns a certain time or whatever. That would be a hard thing to keep traffic flowing that is going straight through you know, from Meriden to Portland, or something that's....

CHM. LEINWAND

We don't have the right to tell the City, as a Commission we don't, where to put right hand turn only signs. That's something the Police Commission and the Traffic Control worries about.

JOE LENTINI

The only other thing I want to say about that is I guess maybe I'm for it in a way, you know, the property up there, like the gentleman was saying. The housing, you know, who's going to live there more really residential and you know, it brings in tax money, puts people to work, and somehow kind of in and out situation could be worked out, I'm for it.

CHM. LEINWAND

Thank you. Anyone else wishing to speak to this proposal? One way or the other? Mike, anything else?

MIKE ZJ KOWSKI

Mr. DaSilva and I were just conferring here briefly. Is it at all possible for the Board to rule tonight? We would like to get start construction on the site in the spring. Is that a possibility? Or will we be.....

CHM. LEINWAND

We encourage people to request it if they see fit. I know that my inclination on this one is to sit on it for at least two weeks. I'd like to think about it. It's up to the Commission. Hearing no objections, then we will not move it to New Business tonight. Phil, if you'd like to speak to this, now is the Public Hearing.

PHILIP REDFORD

I'm Philip Redford. My family has held property out there for over 50 years opposite both present and former Thrall property. We've own 272 foot frontage directly opposite the property in question. I believe the folks mentioned that it was inevitable that the opposite side of the road would be going to Commerical or the

PHILIP REDFORD (Continued from Page 14)

area would be dropped somewhat to the east. I have no intention at this point of going anything but residential in our 372 feet. The traffic over there if you want to go by the lines in the road, you could call it a four lane highway. If you want to go out there for practical use, it's a two lane highway. I've got a map here dated 1930 from the State Highway showing the taking lines at that point when they were preparing to widen the highway. That's 1930, March. They haven't widened it yet, as we all know. We've added Plaza Drive, we added some shopping centers, we've had deaths out there, continual accidents. We had the people coming down Plaza Drive trying to get out, sneak through the traffic, take a left turn, come up on our lawn, hit our trees, back down again. Some make it, some we take off in the ambulance. We have the Hartford National Bank feeding in. We could all say that they shouldn't come out against the light, but they do come out against the light. Until such time as the highway is moved, if we only save one life here tonight, by postponing any further commercializing out there, until such time as the highway has widened out; and solved their traffic problem, then I'm all for holding it. Now, another situation that is out there, we're talking of the wetland back there. Now, the map here shows a very small culvert that once connected those two pieces of property from the Friendly Ice Cream to the Caldor Shopping Center, quite yah large. Since then, we've blacktopped acres on both sides of the road, put all the water under the ground into a culvert, dumped it into the upper Thrall property, where they had considerable washout. They had a beautiful backyard there at one time. But it is no longer because it was washed out. Then it wasn't taken care of. It has gown into a minature jungle which is to everyone's advantage at this point, we don't have further erodsion. Now, we go in there, make Commercial, add more drainage on top on the present culvert, dump it into the next parcel of land, who is then going to have a major washout. Now, what happens from there? We're dumping; about and we have about 800 open feet then of stream until we hit the used car lot next to Old Mill Road. It's about 800 feet of open stream there, which is now as much vegatation as possible; it's cutting down on some of the damage. Alright, everytime we take off a couple of hundred feet, we're adding to that stream water. Then, we've got 800 open. Now, if we fix up that 800 feet with a culvert, now you've got another 800 or more to the Coginchaugh River that is in culvert. Is that going to be an adequate size or has it been in there so many years that it's too small a size, that's got to be replaced? To take care of all of this added water that's coming along? Who, are these developers prepared to reimburse the other property owners of 800 feet of open stream and another 800 people who already have culverts in there? Are they prepared to pick up this expense? This is something I think the Commission should take a very close look at. You not only had traffic and I might add on the traffic if you remember at one time, there was a roast beef out there. And I believe that was owned by General Foods and they saw fit to close it up because they couldn't keep a Policeman out there, directing traffic. You folks go back to Walt's Roast Beef, the empty one on this side of the road, it's owned by George Cameron. And it's reverted back to residential, now. And to make any business at Walt's Roast Beef, they had to have a Policeman out there directing traffic, which only added to the confusion. That was five years ago. What will it be today? So we have the traffic situation, we have the water situation, and who's going to pick up the expense to the other people in the neighborhood for that increase in water all the way to Coginchaugh River?

APPALUSE

CHM. LEINWAND

Thank you Phil. I think that more elegantly than anything I could of said explains to you tonight why we're not going to make a decision tonight. Is there anyone else that has anything to say on this matter? Please. Oh, you have more?

PHILIP REDFORD

Unless you have some questions?

CHM. LEINWAND

I have questions for staff.

PHILIP REDFORD

Would like the 1930 map, you can have that to.

CHM. LEINWAND

I think we know what's on it.

Laughter

PHILIP REDFORD

Thank you, gentlemen.

CHM. LEINWAND

Sir.

ANGELO ARESKO

My name is Angelo Aresco and I live at 175 Old Mill Road. And I am opposed, my family and I and my neighbors. We're opposed for the change in zone tonight. We think it should remain as R-1. The problem that we hear is that the area is already loaded, why not one more? But this is one more business. We don't believe that the area can take one more business, one more driveway, one more car. We're overloaded. Traffic turns are not the problem, they're controlled by lights. The problem is the high volume of traffic; and the roadway and the facility breaks down turns are impossible. I heard one of the gentleman make the statement that they would control traffic, they would have special right turns, they would come in off the side street. It calls to mind Burger King, that is on Route 66 in Southington, opposite the Route 70, Station 76 truck stop. If any one you have been there, there are controlled driveways. God help you if you're there when the traffic is loaded, and they go in and out of whatever driveway is available; and you'll get the very same thing here. If one driveway is blocked up, there going out the other driveway. You're not going to put a Policeman there twenty-four hours a day to control the traffic. There was a mention of the right lane. The right lane in that area has a double function. It does handle the traffic turning into Plaza Drive; and it does handle the through traffic. The left lane is used mainly for people turning into Hartford National Bank and taking a short cut through the shopping center. As you go up fifty seventy-five yards, the left lane is very definitely for a left lane turn into the shopping center. Now, if you're backed up in traffic to turn right to Plaza Drive, you're in the left lane, you're exiting across the lanes and again you have people passing on the right. We have all kinds of problems. I heard the statement that may be we should flood the roadway with more traffic, and force the state to build a highway. This would get you nothing. This statement is as ridiculous as saying we need prison reform. Let's go out and commit murder and we'll force them. We'll get all these killers and force them to build more prisons for them. You're not getting anything (laughter) that way. But really I respect the request that you deny the application, leave the zone as it is, we cannot stand anything else in that area until we get a new highway facility. We're not opposed to progress. We're opposed to the problems. We live with it day in and day out. And I'm sure all of you pass through there from time to time. We are there everyday. And we respectfully request your assistance. Thank you.

CHM. LEINWAND

Thank you. APPLAUSE Anyone else wishing to speak to this proposal? If not,

BOORUM & PEASE "NOISE" ®
PEASE "NOISE" ®

CHM. LEINWAND (Continued from Page 16)

George, I assume that you've got a map involved. What's your pleasure. We can... We're not going to make any decision tonight. We can postpone staff report on the whole thing. You can deal with it now.

COMM. PATTAVINA

I'd like to postpone. I move for that.

CHM. LEINWAND

O.k., George. We'll need the map two weeks from tonight.

DIR. REIF

We have it.

CHM. LEINWAND

Yes, I saw all the lines on it. O.K., that takes us to item #3, let the record show that Comm. Guiffrida has arrived. And what that means is that Comm. Bixby, you are now, please, the alternate for Comm. Sbalcio. Comm. Garafalo, stay as the alternate for Comm. Passanesi. And Comm. Loffredo, you're back on deck. Number three is the:

Item No. 3 Proposed subdivision of land consisting of 5 lots for Mary Niziul, 683 Atkins Street in an R-1 zone, applicant/agent T. F. Jackowiak. Ted.

PROPOSED SUBDIVI-
SION 5 LOTS
683 ATKINS ST.
MARY NIZIUL
S83-1

T. F. JACKOWIAK

I am speaking on behalf of Mary Niziul. who owns the property on west side of Atkins Street which is located about two miles north of Country Club Road intersection. The property had been subdivided previously, 3 lots were cut out without benefit of subdivision hearing. And they're shown on this map now. Mary Niziul has....the Niziul family has owned the property for about 60 years. And we are proposing to cut out lot number 4, which this property is located in R-1 and that conforms to all the regulations of that zone. There is a well on the property that has been dug or was driven quite a few years ago. We have not had an sub-surface investigations and I spoke to the Health Department about this a while ago; and they asked if as I put a note on the map concerning that and the note states that the lot is not to be built upon until all the requirements of the Middletown Health Department are complied with. And if at that time, when they ask for and get some subsurface investigations, if additional land is needed, it will be available. She has forty-eight acres there to make that land available. There are no wetlands in the piece involved. There is.....the wetlands.....there is a small wetlands shown on the wetlands' map that runs about to the rear of lots 2 and 3, but it does not touch this lot at all. This lot was last year under the cultivation, cultivated there, planted with sweet corn. The lot runs all the way up to Stantack Road. There is adequate frontage here for future development if needed. Septic tanks on adjoining property are far enough away so that there would be no conflict. The property has 43,000 square feet. I think that's something about a subdivision there. It would serve to legalize the lots that were subdivided years ago with benefit of approval. Are there any questions?

CHM. LEINWAND

Questions from Commissioners?

T. F. JACKOWIAK

Yes. Or from anybody.

CHM. LEINWAND

My sense is that the Department comments speak more to potential future development than they do to subdivision per se. I mean there is no reason to do a soil analyze to approve a subdivision that is essentially already done.

T. F. JACKOWIAK

Yes, well, we're....

DIR. REIF

It's only the lot that is now trying to

T. F. JACKOWIAK

The lot would

DIR. REIF

create.... This is the reason you go through the ritual to make sure that the buyer of the that future lot does not have problems. Now, what Ted is making a big point of is that they haven't done that. And they're not going to do until later. And if you all last long enough, there isn't....If that lot doesn't meet the requirements, that person will be in here saying how come you guys approved it?

T. F. JACKOWIAK

If the lot....

CHM. LEINWAND

Wait a second. If the lot 5 doesn't what?

T. F. JACKOWIAK

Well,

CHM. LEINWAND

I mean you're going to tell me that...Let's be candid here. I mean let's say I bought lot 5, you mean I couldn't put a house up there? I've got 85, how many acres is there? Ted?

T. F. JACKOWIAK

There's forty-eight acres back there. But, no, there is one lot that we are subdividing.

CHM. LEINWAND

Oh! It's the small lot you're talking about.

T. F. JACKOWIAK

We're talking about the small lot.

CHM. LEINWAND

I thought it was five.

T. F. JACKOWIAK

No, no.

DIR. REIF

That's why there are subdivision regulations and why you go through this procedure.

CHM. LEINWAND

I understand.

BOORUM & PEASE

BOORUM & PEASE "NOISEAR" ®

AR" ®

DIR. REIF

That's why people come in here and complain because they didn'tsomebody didn't go through them.

T. F. JACKOWIAK

There is no reason for anybody to be come in and complain at a later date. It is obvious on the map here that they....the lot is not to be built upon. It states right here that you can't build on this lot until all the requirements of the Health Department are met. And I think that, George, has a letter from Mr. Vinci saying that he approves this procedure. At least, he said that he was going to send you one.

DIR. REIF

They say that the lot is not been tested and is not approved. And they're asking this Planning Commission to approve the lot that is not useable.

T. F. JACKOWIAK

I didn't say that I, George. I said, that I'm asking you to approve a lot that hasn't been tested. But we have taken the precautions to state on the map it hasn't done so. And that the lot cannot be built upon until all the requirements of the Health Department are met.

CHM. LEINWAND

Comm. Carta.

COMM. CARTA

Two questions.

CHM. LEINWAND

Yes.

COMM. CARTA

Would the owner want a lot subdivided off without an approved, without it being approved saleable?

T. F. JACKOWIAK

Well, alright....

COMM. CARTA

I'm confused as to the procedure.

T. F. JACKOWIAK

That's a good question. Mrs. Niziul is getting along in years and she wanted the pleasure of giving this lot to her niece. Before something happens. Her health is not that good, and she would like to see this take place. This is not an unusual thing, it in almost all the other Towns I know of, you can do this here. You can go through this procedure.

COMM. CARTA

I can't understand why she wouldn't give her a properly approved building lot. It takes about one day to do the testing.

T. F. JACKOWIAK

Yes, but the testing...The Health Department only does it for about 3 weeks in May. You see...You see all the...all business has to stop until 3 weeks in May. Or whenever that is. But no one is taking any risk here. Anybody who buys this

T. F. JACKOWIAK

It's properly protected. I think any Attorney would look at this map before he wrote up a deed.

CHM. LEINWAND

Let me just ask before we get to Comm. Pattavina. Where that Attorney, if somebody was wise to do a title search would find that information?

T. F. JACKOWIAK

He would find this information on the map that's would be on file in the Town Clerk's Office. So anyone that did even a hap-hazard title search couldn't help but find that.

T. F. JACKOWIAK

It's very obvious.

CHM. LEINWAND

Comm. Pattavina.

COMM. PATTAVINA

Well, I'm becoming a little confused here. I can't find myself approving a lot that has not had a soil test. I feel I've seen it happen in the past and I'm sure it's going to happen in the future that they do have documentation of something not being tested. And somewhere along the line it has a tendency to washed out to the stream and so forth, so I...as far as I'm concerned I cannot find myself approving this lot.

CHM. LEINWAND

Yes.

COMM. PATTAVINA

And I feel that we should be realistic about this I would have to wait until May when that's the time they would do the soil testing.

T. F. JACKOWIAK

Do you feel that somebody could buy this lot and...

COMM. PATTAVINA

I...Yes! To be realistic, I do think so. That someone might buy this lot, and some repercussion happens. I think being on this Commission in the one year, we've had situations where people have purchased lots and they had some problems such as boundaries that might have been firm at one time, but something happened along the way that....

T. F. JACKOWIAK

A boundary is an entirely different...

COMM. PATTAVINA

Well, I can understand it's an entirely different procedure, but it's still two basic items that should be more or less formalized before an approval comes through.

T. F. JACKOWIAK

The Health Department gave their approval of this procedure.

COMM. PATTAVINA

Made through the Chair.

COMM. PATAVINA

What would be the rush let's say on this right now, approving it? When nothing can be done with this lot until that soil test is done?

T. F. JACKOWIAK

Just that Mrs. Niziul, as I stated, that Mrs. Niziul is getting along in years; and she wanted to give this to her niece, or have the pleasure of giving this to her niece and seeing it happen before something happens to her.

CHM. LEINWAND

Comm. Gionfriddo

COMM. GIONFRIDDO

I don't have any problem with this. I just wanted to make a comment that obviously when Comm. Leinwand said anyone doing a hap-hazard title search. An Attorney doing a hap-hazard title search could have missed the notation on the map. What he'd be leaving himself open to would be a rather sizable mal-practice case for allowing someone to buy a lot that wasn't yet approved for building. If the lot couldn't be built on at a later time, but I don't really see any problem with this, if it's notated on the map; and perhaps if we know it's going to her niece. And may be a reference is put on the deed, for instance, you know I don't really see that a being a problem. If we're approving it to go up for sale to the general Public, may be that would be more of a problem.

DIR. REIF

You know.....

CHM. LEINWAND

Comm. Garafalo

Laughter

CHM. LEINWAND

Let's hold on. Comm. Garafalo

COMM. GARAFALO

The problem I have is when is an approval not an approval? It seems like we give an approval, but based on certain requirements further down the road, to me that's not an approval.

T. F. JACKOWIAK

I think we're asking for a conditional approval. You know, we do go out now and spend the money for making these deep soil tests; and percolation holes, and they're not used within a year, we've got to do that again. And then, we have to repeat that every year that it's not done. You only get conditional approval for a year once you do this. With conditional approval you could see it. No.

CHM. LEINWAND

NO! We could give you conditional approval pending approval by the Health Department.

T. F. JACKOWIAK

Yes.

CHM. LEINWAND

It means you don't have to come back here again, but you can take care of it at staff level once you've done everything anyway. If that..what you're talking about

CHM. LEINWAND (Continued from Page 21)

I think that it's something we've done before.

DIR. REIF

You could give preliminary approval that you've done before. And it's a very important principal.

CHM. LEINWAND

I know.

DIR. REIF

Not final approval.

CHM. LEINWAND

That's right. Preliminary approval, yes, would not allow you to sell the land.

T. F. JACKOWIAK

No, and she...well, it would allow her to give the land to her niece. She would get a deed written up that...

CHM. LEINWAND

I don't believe that if there is anyway it can be filed until we have

DIR. REIF

Not legally.

T. F. JACKOWIAK

Yes...

DIR. REIF

You'll see however as Ted has said, there are lots of lots out there on Atkins Street that have not been approved by the Planning Commission.

COMM. CARTA

Is that so?

CHM. LEINWAND

I may live on one.

Laughter

COMM. GIONFRIDDO

Really?

CHM. LEINWAND

I don't know that for sure. Comm. Gionfriddo.

COMM. GIONFRIDDO

I might suggest and I don't know. I seem to get the sentiment of the Commission as it is a little reluctant to do it. But I mean I understand her desire to make the transfer. But it seems like there is only if the Commission only gives preliminary approval, she can't make the gift until final approval with the test in May. If, hopefully, if she is still here in May, she could make the gift at that time, or the only other solution would be to giving it from a legal perspective, redraft her will, and put a paragraph that lot four on a certain map that will go to her niece. I mean that's about.....

DIR. REIF

That should bring her as much pleasure, as anything else.

COMM. GIONFRIDDO

Well, I mean at least she knows it's going there and her niece will...

DIR. REIF

And she knows that when she does get it, it will be useable.

COMM. GIONFRIDDO

Correct.

COMM. GARAFALO

It says that if additional land is needed to meet the Health Department requirements, that additional land is available if needed to meet the Health Department requirements. Now, if we give approval of lot 4 now, and doesn't meet the requirements, then doesn't this process come right back again for the additional subdivision...(inaudible, folding papers.)

DIR. REIF

It's possible, irregardless of what anybody thinks tonight, the larger parcel could be sold next week, and then there would be no more land available.

CHM. LEINWAND

Very true.

DIR. REIF

That's why you have all these regulations to help avoid getting into that type of situation.

COMM. CARTA

I have a technical question of....

CHM. LEINWAND

Comm. Carta

COMM. CARTA

The technical question I have I understand we can give preliminary approval based on the test. (inaudible) Planning and Zoning this applicant wants, the purpose the applicant...So my question I've a procedural question with us. It's been my understanding that we can't approve a building lot without those tests. I mean...

DIR. REIF

It's the basic concept.

COMM. CARTA

We can't do it.

DIR. REIF

Right.

COMM. CARTA

My interpretation of our Planning and Zoning on a state basis and in our Town here, that we just not...can't do it. I don't think there's an exception to make to that. I may be wrong and I'd like to have that explained to me, if I am wrong.

DIR. REIF

You're right.

COMM. CARTA

We can give preliminary approval based on the test which means you can't transfer the land. You can't do anything with so you know, hold this map and wait for testing is done. Essentially is giving them nothing.

T. F. JACKOWIAK

I believe....

CHM. LEINWAND

Excuse me, in terms of the answer, regardless of what we generally do or not, we could approve this thing and I can simply say hey, you've got it and it's legal. Do I think that's the right way? No. Do I think that it's in line with how we have operated? No. Do I think it's a royal slap in the face to the Health Department? Yes. I think that this Commission depends so heavily on all those Departments taking the time and putting the effort into reviewing things that if we've got the Health Department saying you need to have an approved lot, and this isn't an approved lot. And we go ahead and approve it anyway, that essentially we've told them we really don't care what you ever tell us. And I don't want to risk that.

T. F. JACKOWIAK

The Health Department did say, and they said they would go along with it. George, do you have the letter?

DIR. REIF

The Planning Commission has before them all the letters that....

T. F. JACKOWIAK

Will you read the letter from the Health Department?

DIR. REIF

Certainly. And it says....There are two of them. The one that really stands is that they have not approved the lots.

T. F. JACKOWIAK

Will you read the letter, please?

CHM. LEINWAND

I'll be happy to read the letter. The first letter says, "The revised site plan received and approved by this Department on January 16, 1983. However, soil evaluation must be conducted in the future as noted on this plan before approvals of buildings can be made. The original letter stating that prior to a final comments from this Department, we have the following stipulation. One. Application must be submitted to this Department for a soil evaluation to be conducted. Two. The soil evaluation must be favorably before any building will be allowed to take place. And three, the site plan must be corrected to include the dwelling sewage disposal system and well location for lot 5 and is shown for lot 3.

T. F. JACKOWIAK

Now, I brought those maps to Leon Vinci, and asked Leon if he would write a letter to you or George, stating that those requirements just made in last order had been met. And that he had no objections to this. That I...

CHM. LEINWAND

Excuse me.

DIR. REIF

Every letter that is here is there. It was done automatically. We got them all in there. Nobody left out any letter.

T. F. JACKOWIAK

Leon assured me that the letter would be sent.

CHM. LEINWAND

I think it's the first one. I think that the one that appears first is the one that was written last.

DIR. REIF

That's right. And the facts are that they still haven't approved the lot. They have not tested it.

CHM. LEINWAND

Are there other questions? If not, thank you, Ted.

T. F. JACKOWIAK

Your welcome.

CHM. LEINWAND

Members of

T. F. JACKOWIAK

I believe I'm on next too.

CHM. LEINWAND

What?

T. F. JACKOWIAK

I believe I am on next, again.

CHM. LEINWAND

Yes, I would like to turn to the members of the Public and see if there is anyone else that wishes to speak to this proposal? Then we will return to you for Mr. Vinci. See if there is anyone else who wishes to speak to this proposal?

T. F. JACKOWIAK

Oh.

CHM. LEINWAND

Then, we will return to you for Mr. Vinci. Is there anyone that wishes to speak to this particular proposed subdivision, one way or the other? If not, then you're right, Ted. You're still on the hot seat.

T. F. JACKOWIAK

O.k.,

CHM. LEINWAND

Let me read the legal notice. This item 4

CHM. LEINWAND (continued from Page 25)

Item 4 Proposed change of zone for a parcel of land on Newfield Street PROPOSED ZONE
from R-1 to I-2 for Joseph J. Vinci, Jr. Applicant/agent Joseph AMENDMENT
J. Vinci, Jr. Map on file in the Office of the Town Clerk. NEWFIELD ST.
JOS. VINCI, JR.
T. F. JACKOWIAK
Z83-2

And I believe the engineer, you'll be speaking for him.

T. F. JACKOWIAK

Yes. Joe Vinci, Jr. said he was ill this evening and could not come, and asked me to speak on his behalf. Mr. Vinci who owns property west of a piece in question where they're requesting the zone change, that's located north of Mile Lane and east of Newfield Street. It's approximately four acres and there are one, two, three, four, five, parcels of property in that...comprises the area. Joe and Mary owns two of them, Frank Magnano owns one of them, Arthur Gezzi, and James Gezzi own the other two. The property is surrounded mostly by I-2. Except on the west it is surrounded by, well no it isn't. It surrounded, no it's on the south as R-1 zone. On the other side of Mile Lane. So there asking I know it's a small piece of property but they're asking to change that zone to a zone that it is surrounded by.

CHM. LEINWAND

Have you spoken to

T. F. JACKOWIAK

It is my understanding that they spoken to all the other owners. There was no objection from anybody. Gezzi owns the two properties there which they have commercial buildings on right now.

CHM. LEINWAND

Yes.

T. F. JACKOWIAK

Across the street, Patrick Labbadia has

CHM. LEINWAND

It's a non-conforming use now?

T.F. JACKOWIAK

Yes.

CHM. LEINWAND

It'll be a non-conforming use in the future as well?

T. F. JACKOWIAK

Well, yes. Well, there will be some non-conforming. There is one residence there. And the otherIt's non-conforming no matter how you do it. Vinci is using some of it right now to store some of his equipment. The second parcel up they're using it to store heavy equipment. And they would like to change the zones so they can further that use. They probably thinking of perhaps selling some equipment there on that site. It fronts on Newfield Street.

COMM. CARTA

That's what it's presently being used for now.

BOORUM & PEASE "NOTER" ®

BOORUM & PEASE "NOTER" ®

COMM. PATTAVINA
Yes.

COMM. CARTA
Equipment sales.

T. F. JACKOWIAK
Yes, there is equipment out there.

COMM. CARTA
It's been recently fenced off and they're using it to sell equipment.

T. F. JACKOWIAK
I don't know if they're....

DIR. REIF
It's sort of a catch up operation.

COMM. CARTA
It's a storage and sales place for heavy equipment.

T. F. JACKOWIAK
I don't know if they're at least displaying it. I don't think they're selling it there. The actual sale is taking place....

CHM. LEINWAND
Are there questions from members of the Commission? Comm. Carta

COMM. CARTA
I only have one question. Is there any planned use for the either the whole parcel or the other piece? In other words, do they have a stated use or do they want to change something or do something?

T. F. JACKOWIAK
Not at this time.

DIR. REIF
They've already done it.

T. F. JACKOWIAK
They have displayed equipment out there. And I think in the future they would like to sell equipment from that spot.

COMM. CARTA
There's another entity or another person who's running a business out there.

T. F. JACKOWIAK
I think it's....Yes.

COMM. CARTA
Actually I looked at some equipment there for sale.

T. F. JACKOWIAK
I think somebody rents one of the buildings on the property to the right or the east of the old railroad right-of-way there. That Mr. Vinci bought.

COMM. CARTA
So there's no comprehensive plan beyond.....

T. F. JACKOWIAK
No. No. O.k.

CHM. LEINWAND
Comm. Garafalo

COMM. GARAFALO

I think the concern I have is we're talking about a change that affects other people. And I just can't go by the feeling that just because they're not here that they're not aware of it, they don't have any objection to it. I have no problem with it. If these people would indicate in some way that they....

CHM. LEINWAND

The problem is all we have is a Public Hearing. I don't know if there is someone about to speak to this. I just whispered to Comm. Gionfriddo, this is the time when I wish we had some kind of notice to abutting land owners. It would make me feel a whole lot more comfortable....(applause)

DIR. REIF

These people aren't abutting, they're right in the zone.

CHM. LEINWAND

These people are also here because this Commission however did decide to spend money to put a notice in the City Briefs every other week, and that certainly has helped things. (applause) You can't lose.

COMM. GIONFRIDDO

You're a popular guy.

CHM. LEINWAND

You can't lose. Comm. Garafalo, do you have more to say?

COMM. GARAFALO

No.

CHM. LEINWAND

Anyone else? Ted.

T. F. JACKOWIAK

Mr. Garafalo, your question was your fear was people surrounding might be or the other three.....

COMM. GARAFALO

Yes. I have no problem if somebody says I own a parcel of land, and I would like to change the parcel to a different designation. But we're talking about changing a parcel that affects three other landowners.

T. F. JACKOWIAK

Would letters from the other three landowners dismay your fears?

COMM. GARAFALO

I think it wouldn't hurt.

T. F. JACKOWIAK

O.K.

CHM. LEINWAND

Given the problem, it's not just those three that...

COMM. GARAFALO

Well, like I'm saying, these are people that are included in the change. I'm sure if there are other objections, we could hear them also. But...

T. F. JACKOWIAK

It was all publicized. I suppose everybody...

CHM. LEINWAND

We know. We know.

T. F. JACKOWIAK

That's about it. They should be here if they object. I would assume they would.

CHM. LEINWAND

We're going to find that out. I don't believe I got any letters. Any other questions for Mr. Jackowiak? If not, are there members of the Public that would like to speak to this particular proposed zone change? I guess that answers our question. That takes us to Item number 5. Thank you, Ted. On the Public Hearing agenda. And that is a

Item #5 Proposed home occupation for Joann Ricci at 43 Old Mill Road applicant/agent David B. Bengston, Attorney	PROPOSED HOME OCCUPATION 43 OLD MILL RD. JOANN RICCI ATTY BENGSTON
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DAVID B. BENGSTON

We're withdrawing that application.

CHM. LEINWAND

I understand from Attorney Bengston the application is being withdrawn. Do we have that in writing?

DAVID B. BENGSTON

No. We're just withdrawing it right now.

CHM. LEINWAND

Fine.

DAVID B. BENGSTON

Thank you.

CHM. LEINWAND

That concludes the Public Hearing. I have some questions.

ADJOURNMENT 8:15P.M.

ADJOURNMENT

Respectfully Submitted,



Hope P. Kasper
Transcribing Secretary

Steven J. Leinwand, Chairman
PLANNING AND ZONING COMMISSION

Received at the Meeting of _____