

PLANNING AND ZONING COMMISSION REGULAR MEETING JANUARY 12, 1994,  
7:00 P.M. PAGE 1 OF 6

Chm. W. Lee Osborne, Vice-Chm. Philip Halibozek, John Robinson, Anthony J. Vasiliou, Jennifer Alexander, Francis Patnaude

COMMISSION  
MEMBERS  
PRESENT

Stephen P. Shapiro, Ann Loffredo, Sebastian J. Passanesi, Stephen Gadowski, Gerard Winzer, Mayor Thomas J. Serra, Ex-Officio, Dir. P.W. Salvatore Fazzino, Ex-Officio

MEMBERS  
ABSENT

Alternate Comm. Jennifer Alexander acted for absent Comm. Ann Loffredo. Alternate Comm. Francis Patnaude acted for absent Comm. Sebastian J. Passanesi.

A C T I N G  
MEMBERS

Dir. William Warner

STAFF

Reporters from the Middletown Press and Hartford Courant and approximately 10 members of the public.

OTHERS

On motion and second by Comms. Vasiliou and Robinson the Commission approved the minutes of the 10/27/93 meeting. Vote was 6 to 0 with Comm. Patnaude abstaining.

ITEM 2.1  
APPROVED  
MINUTES  
10/27/93

On motion and second by Comms. Vasiliou and Patnaude the Commission approved the minutes of the 12/8/93 meeting with an amendment to include the election of officers. Vote was 6 to 0 with Comm. Robinson abstaining.

ITEM 2.2  
APPROVED  
WITH  
AMENDMENT  
1 2 / 8 / 9 3  
MINUTES

The Commission acknowledged the Zoning Enforcement Officer's sign report and monthly report.

ITEM 3.1 &  
3.2  
ZEO SIGN &  
MONTHLY  
REPORTS

On motion and second by Comms. Robinson and Halibozek the Commission granted final approved of Phase II of the Brooks Road Subdivision located off Brooks Road with the conditions (a) that a contract be executed between the City of Middletown and developer to assure any uncompleted work; (b) that a cash deposit in the amount of \$25,000. for monumentation, pavement repair and other miscellaneous work and a cash deposit in the amount of \$2,500. for trees and restoration be given to the City of Middletown; and (c) that it meet all departmental requirements. Applicant/agent Sebastian C. Mazzotta S92-15. Vote was 6 to 0 with Comm. Patnaude abstaining.

ITEM 4.1  
GRANTED  
FINAL  
APPROVAL  
MAZZOTTA  
SUBDIVI-  
SION  
BROOKS  
ROAD

On motion and second by Comms. Robinson and Halibozek the Commission granted a request to release a cash deposit being held for the road only in the Southwind Subdivision, Phase II, Lots 7-15 located off Long Hill Road. Applicant/agent Bysiewicz Corp./Atty. Dean Thomasson

ITEM 4.2  
GRANTED  
RELEASE OF  
CASH  
DEPOSIT  
FOR ROAD  
SOUTHWIND  
SUBDIVI-  
SION PHASE  
II LOT 7-  
15

On motion and second by Comms. Halibozek and Robinson the Commission tabled a request for release of the cash deposit being held for the Heritage Run Subdivision, Resubdivision Lot 20 and the Heritage Run Subdivision, Lots 1-17, 19 and 20 located off East Street. Applicant/Agent Bysiewicz Corp./Atty. Dean Thomasson S89-20 S90-18. Vote was unanimous.

ITEM 4.3  
TABLED  
RELEASE OF  
CASH  
DEPOSITS  
HERITAGE  
RUN &  
RESUBDIVI-  
SION LOT  
20

On motion and second by Comms. Robinson and Halibozek the Commission granted final approval of the Peter Westerberg Subdivision located on Old Middle Street. Vote was 6 to 0 with Comm. Patnaude abstaining.

ITEM 4.4  
GRANTED  
FINAL  
APPROVAL  
WESTERBERG  
SUBDIVI-  
SION

On motion and second by Comms. Robinson and Alexander the Commission scheduled a public hearing on 1/26/94 to consider a proposed special exception to allow historic adaptive reuse for residential, commercial, office and retail located on 572-574 Saybrook Road. Vote was unanimous. Applicant/agent Kalmar Realty Associates/Atty. Mark Quattro SE93-8.

ITEM 5.1  
SCHEDULED  
P.H.  
1 / 2 6 / 9 4  
S.E.  
HISTORIC  
REUSE 572-  
574  
SAYBROOK  
ROAD

On motion and second by Comms. Robinson and Alexander the Commission scheduled a public hearing on 1/26/94 to consider a proposed 4 lot subdivision located on Wadsworth Street and Laurel Grove Road (aka Cenacle property). Applicant/agent Bristol Savings Bank S93-16. Vote was unanimous.

ITEM 5.2  
SCHEDULED  
P.H.  
WADSWORTH  
& LAUREL  
GROVE ROAD  
- CENACLE

On motion and second by Comms. Robinson and Alexander the Commission scheduled a public hearing on 1/26/94 to consider a proposed Zoning Code text addition to allow existing neighborhood restaurants in the MX (Mixed Use) zone. Applicant/agent Douglas Beach Z93-15. Vote was unanimous.

ITEM 5.3  
SCHEDULED  
P.H.  
NEIGHBOR-  
HOOD  
RESTAURANT  
MX ZONE

On motion and second by Comms. Robinson and Alexander the Commission scheduled a public hearing on 1/26/94 to consider a Zoning text amendment to eliminate Section 61.01.28A, Recreation-commercial and to establish identical language under Section 61.02.28 as a special exception. Applicant/agent P & Z Comm. Vote was unanimous.

ITEM 5.4  
SCHEDULED  
P.H.  
1 / 2 6 / 9 4  
Z O N I N G  
C O D E T E X T  
A M E N D M E N T  
R E C R E A T I O N  
C O M M E R C I A L

Atty. Philip Karpel explained a proposal requesting an interpretation of office/manufacturing uses in the Interstate Trade (IT) zone. He explained his letter. William Warner responded. Comm. Vasiliou questioned composition of the work force. Atty. Karpel responded. Comm. Alexander questioned manufacturing. William Warner explained. Comm. Robinson questioned potential of site. Atty. Karpel responded. Comm. Patnaude questioned inventory. Atty. Karpel responded. J. Crean responded. Comm. Robinson moved positive interpretation and Comm. Halibozek seconded the motion. Comm. Robinson commented on positive benefits. The Commission interpreted the Zoning Code to allow Xerographics as a primary office/manufacturing use in the IT zone at 975 Middle Street in accordance with a letter dated January 5, 1994 from Atty. Philip F. Karpel. Vote was unanimous.

ITEM 5.5  
APPROVED  
XERO-  
GRAPHICS  
975 MIDDLE  
STREET

On amended motion by Comms. Halibozek and Robinson the Commission scheduled a public hearing on 2/9/94 to consider a proposed special exception to allow a pool and cabanas at America's Cup located at 80 Harbor Drive in the 100 year floodplain. Applicant/agent Harbor Drive Associates/Atty. Quattro. Discussion ensued. Vote was unanimous.

ITEM 5.6  
SCHEDULED  
P.H.  
2 / 9 / 94  
S.E.  
AMERICA'S  
CUP 80  
HARBOR  
DRIVE

There is a tape recording of the public hearing available in the Planning and Zoning Office for items 1 and 3. The remaining hearings were canceled.

ITEM 6  
TAPE  
RECORDING  
P.H.

The Commission continued the public hearing regarding a proposed 2 lot subdivision with a special exception including 2 rear lots located on the east side of East Main Street near Sand Hill Road. Applicant/agent Richard A. Lindquist, Jr. S93-15. There was no discussion.

ITEM 6.1  
CONTINUED  
P.H. 2 LOT  
SUBDIVI-  
SION EAST  
M A I N  
STREET

Canceled proposed 25 lot resubdivision to be known as Country View Estates, Phase III located off the east side of Margarite Road south of Kelsey Street. Applicant/agent Cambridge Homes, Inc./Glenn Russo S93-12.

ITEM 6.2  
CANCELED  
P.H.  
COUNTRY  
VIEW  
ESTATES,

PHASE III

On motion and second by Comms. Halibozek and Robinson the Commission opened the public hearing and continued the public hearing for a proposed 17 lot subdivision located on the east side of Long Hill Road across from the Daniels Street intersection to be known as Meadow View Subdivision. Applicant/agent Laurel Grove Limited Partnership PRD I. Vote was unanimous.

ITEM 6.3  
CONTINUED  
P.H. 17  
LOT  
SUBDIVI-  
S I O N  
DANIELS ST  
& LONG  
HILL RD.

Canceled proposal to amend the conceptual approval of Grandview Drive, Project 3 Peppermill Village in the Westlake P.R.D. from multi-family-residential to church use. Applicant/agent Rev. Paul Franco PRD II. Vote was unanimous.

ITEM 6.4  
CANCELED  
CONCEPTUAL  
APPROVAL  
GRANDVIEW  
D R I V E  
PROJECT 3  
PEPPERMILL  
VILLAGE

Discussion with Public.

Carl Bolz read a letter regarding Yellow Freight. J. Giannitti expressed concerns such as noise and air pollution regarding Yellow Freight. Discussion ensued. Comm. Vasiliou questioned legal opinion. Chm. Osborne requested referral to Planning and Zoning Commission. A lengthy discussion ensued. On motion by Comms. Vasiliou and Alexander requesting a legal opinion, the Commission defeated a motion requesting a legal opinion regarding the legality of the Commission reviewing a site plan for an outright permitted use and their ability to hold a public hearing on same.

ITEM 7  
DISCUSSION  
W I T H  
PUBLIC  
Y E L L O W  
F R E I G H T  
M I D D L E  
S T R E E T

George Souto questioned subdivision and road standards and snow plowing and the need for wide streets. Chm. Osborne responded.

R O A D  
STANDARDS

On motion and second by Comms. Halibozek and Alexander the Commission adjourned the meeting at 8:45. Vote was unanimous.

ADJOURN-  
MENT

PLANNING AND ZONING COMMISSION REGULAR MEETING JANUARY 12, 1994,  
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Respectfully submitted,

William Warner .  
Director

Approved at the meeting of \_\_\_\_\_.