

PLANNING AND ZONING COMMISSION REGULAR MEETING JANUARY 13,
1999, 7:00 P.M. PAGE 1 OF 9

Chm. W. Lee Osborne, Comm. Carl Bolz, Comm.
Anthony Vasiliou (7:35), Comm. David Roane, Comm.
Corrine Dorsey, Comm. James Fortuna

COMMISSION
MEMBERS
PRESENT

Comm. William Holley III, Comm. Carl Chisem,
Comm. Victor Liburdi, Comm. Barbara Plum,
Mayor Dominique Thornton, Ex-Officio, Dir. P.W.
Salvatore Fazzino, Ex-Officio

COMMISSION
MEMBERS
ABSENT

William Warner, Director of Planning, Wayne T. Bell,
Zoning Enforcement Officer, Thomas Nigosanti, Chief
Engineer

STAFF

There were approximately twenty-five members
of the public.

PUBLIC

There was no discussion.

ITEM 2
DISCUSSION WITH
PUBLIC ON ITEMS
ON AGENDA

Wayne T. Bell presented the Zoning Enforcement
Officer's report. Comm. Carl Bolz questioned Steri-
cycle. Comm. David Roane questioned Wild Bill
Nostalgia.

ITEM 2a
ZEO REPORT

On motion and second by Comms. David Roane and
Carl Bolz the Commission approved a request for
release of the cash bond for Kenneth Dooley Drive.
Vote was unanimous. Applicant/agent Union Savings
Bank/Brian R. Skarda, Vice President S89-6

ITEM 3.1
APPROVED A
REQUEST FOR
RELEASE OF
THE CASH BOND
FOR KENNETH
DOOLEY DRIVE

On motion and second by Comms. David Roane and
Carl Bolz the Commission approved a request for reduction
of the letter of credit for South Ridge Estates to \$43,000.
Vote was unanimous. Applicant/agent Guerino DeMelis
S92-2

ITEM 3.2
APPROVED A
REQUEST FOR
REDUCTION
OF THE LETTER
OF CREDIT FOR
SOUTH RIDGE
ESTATES

On motion and second by Comms. David Roane and James Fortuna the Commission denied without prejudice a request for release of the letters of credit for Phases VI and VII of the Hunt Club Subdivision. Vote was unanimous. Applicant/agent D'Amato Investments, LLC S87-44

ITEM 3.3
DENIED WITHOUT PREJUDICE A REQUEST FOR RELEASE OF THE LETTERS OF CREDIT FOR PHASES VI AND VII OF THE HUNT CLUB SUBDIVISION

On motion and second by Comms. David Roane and James Fortuna the Commission granted final approval for the last portion of Rolling Green in Section IV of The Meadows at Riverbend with the condition that all departmental comments be addressed and that a cash bond in the amount of \$85,000 be posted. Vote was unanimous. Applicant/agent Tuttle Road Associates/Robert C. Fusari, President S95-6

ITEM 3.4
GRANTED FINAL APPROVAL FOR THE LAST PORTION OF ROLLING GREEN IN SECTION IV OF THE MEADOWS AT RIVERBEND

On motion and second by Comms. David Roane and Anthony Vasiliou the Commission tabled a request for release of the cash bonds for The Meadows at Riverbend, Section II, Phases 3, 4A, 4B; Section III, Phases 1, 2A, 2B, 3A, 3B; and Section IV, Phase 1A. Vote was unanimous. Applicant/agent Tuttle Road Associates/Robert C. Fusari, President S91-15, S93-3, S95-6

ITEM 3.5
TABLED REQUEST FOR RELEASE OF THE CASH BONDS FOR THE MEADOWS AT RIVERBEND, SECTION II, PHASES 3, 4A, 4B; SECTION III, PHASES 1, 2A, 2B, 3A, 3B; AND SECTION IV, PHASE 1A

Frank Magnotta explained the proposal to construct an office/manufacturing facility, the site plan, the parking area, the landscaped area and the utilities. Comm. David Roane questioned the departmental comments. Frank Magnotta responded. Comm. David Roane questioned lighting. Frank Magnotta responded. Comm. Corrine Dorsey questioned the Police and Water/Sewer

ITEM 4.1
GRANTED SITE PLAN APPROVAL TO CONSTRUCT A NEW BUILDING FOR MANUFACTURING OF PLAS-

comments. Comm. Anthony Vasiliou questioned the sewer extension. William Warner responded. Comm. Anthony Vasiliou questioned chemicals and injection molding. Frank Magnotta responded. Comm. Carl Bolz questioned bulk storage outside. Bruce Bannerman agreed to the condition that there would be no bulk storage on the outside of the building. On motion and second by Comms. David Roane and Corrine Dorsey the Commission granted Site Plan Approval to construct a new building for manufacturing of plastic and metal parts on Lot #5 of the Twin Vane Industrial Park with the condition that all departmental comments be addressed and that there be no bulk storage on the outside of the building. Vote was unanimous. Applicant/agent Bruce Bannerman c/o Delta Building Corp. S89-21

TIC AND METAL
PARTS ON LOT #5
OF THE TWIN
VANE INDUS-
TRIAL PARK

E. Helgran explained the proposal and the desire for more foot traffic. William Warner commented on the interpretation to make sure that this was not a pawn shop. E. Helgran responded. Comm. Carl Bolz questioned why this is not a pawnbroker. E. Helgran explained that the difference is that there are no loans. Comm. David Roane questioned the method of operation. Comm. Anthony Vasiliou questioned if there was any type of loan. E. Helgran responded. Chm. W. Lee Osborne commented. E. Helgran submitted a letter from the Police Department. Comm. Anthony Vasiliou commented on the activity and the fact that this type of business is not "retail". E. Helgran responded. Comm. Anthony Vasiliou commented at length and feels the applicant is acting like a pawnbroker. Comm. David Roane questioned staff. William Warner commented on why this is before the Commission. E. Helgran's wife commented. William Warner commented on the section. Comm. Anthony Vasiliou summarized and commented at length. Chm. W. Lee Osborne summarized and suggested tabling this item. E. Helgran questioned if the regulations were available. Comm. Carl Bolz suggested talking to staff. A motion to table a request for interpretation of Section 61.05 Prohibited Uses was made by Comm. Anthony Vasiliou and seconded by Comm. James Fortuna. The motion passed with Chm. W. Lee Osborne, Comm. Anthony Vasiliou, Comm. Corrine Dorsey, and Comm. James Fortuna in favor and Comm.

ITEM 4.2
TABLED A RE-
QUEST FOR INTER-
PRETATION OF
SECTION 61.05
PROHIBITED USES

David Roane opposed. Applicant/agent Cash & Jewelry Connection/Edward Helgran

Kendall Jackson, Director of Facilities for the Middletown Public Schools, explained the proposal. William Warner commented. Chm. W. Lee Osborne Commented. On motion and second by Comms. David Roane and Corrine Dorsey the Commission gave an affirmative G.S. 8-24 Review for a temporary construction easement and a permanent drainage easement through the properties located at 309 and 317 Barbara Road for corrective action for a water runoff problem. Vote was unanimous. Applicant/agent Middletown Public Schools/ Kendall Jackson, Director of Facilities

ITEM 4.3
GAVE AN
AFFIRMATIVE
G.S. 8-24 REVIEW
FOR A TEMPOR-
ARY CONSTRUC-
TION EASEMENT
AND A PERMAN-
ENT DRAINAGE
EASEMENT
THROUGH THE
PROPERTIES LO-
CATED AT 309
AND 317 BAR-
BARA FOR COR-
RECTIVE ACTION
FOR A WATER
RUNOFF PROBLEM

On motion and second by Comms. David Roane and Carl Bolz the Commission scheduled a public hearing date of January 27, 1999 for a proposed amendment to the Plan of Development to change the designation of Lot 12 and the rear of Lot 12A Washington Street from "existing institution" to "general commercial" and from "residential" to "general commercial" respectively. Vote was unanimous. Applicant/agent 3127 Berlin Turnpike Associates/Philip Karpel, Attorney

ITEM 4.4
SCHEDULED P.H.
1/27/98 FOR A
PROPOSED
AMENDMENT TO
THE PLAN OF
DEVELOPMENT TO
CHANGE THE
DESIGNATION OF
LOT 12 AND THE
REAR OF LOT 12A
WASHINGTON
STREET FROM
"EXISTING IN-
STITUTION" TO
"GENERAL COM-
MERCIAL" AND
FROM "RESIDEN-
TIAL" TO "GENER-
AL COMMERCIAL"
RESPECTIVELY

On motion and second by Comms. David Roane and Carl Bolz the Commission scheduled a public hearing date of January 27, 1999 for a proposed five lot resub-division with a Special Exception for a rear lot of the property of Theodore J. Tine located on East Street across from Plumb Road. Vote was unanimous. Applicant/agent Theodore J. Tine/T.J. Jackowiak S98-10

ITEM 4.5
SCHEDULED P.H.
1/27/99 PROPOSED
5 LOT RESUB-
DIVISION WITH A
SPECIAL EXCEP-
TION FOR A REAR
LOT OF THE
PROPERTY OF
THEODORE J.
TINE LOCATED
ON EAST STREET
ACROSS FROM
PLUMB ROAD

On motion and second by Comms. David Roane and Corrine Dorsey the Commission scheduled a public hearing date of February 10, 1999 for a proposal to amend the Land Use Component of the Plan of Development to change the designation of the City of Middletown property located on both sides of Berlin Street from low density residential to public land. Vote was unanimous. Applicant/agent City of Middletown Water and Sewer Department/Guy P. Russo, Director

ITEM 4.6
SCHEDULED P.H.
2/10/99 FOR A
PROPOSAL TO
AMEND THE LAND
USE COMPONENT
OF THE PLAN OF
DEVELOPMENT
TO CHANGE THE
DESIGNATION OF
THE CITY OF
MIDDLETOWN
PROPERTY LO-
CATED ON BOTH
SIDES OF BERLIN
STREET FROM
LOW DENSITY
RESIDENTIAL TO
PUBLIC LAND

Wes Downing, Director of Parks and Recreation, explained the proposal, the American Legion World Series and upgrading of the lighting. Comm. Carl Bolz questioned shielding of the lights. Wes Downing responded on the use of the lights. Comm. Anthony Vasiliou questioned the lighting. The engineer explained his credentials and glare shielding. Chm. W. Lee Osborne commented on the World Series and the

ITEM 4.7
GAVE AN
AFFIRMATIVE
G.S. 8-24 REVIEW
TO UPGRADE THE
FIELD LIGHTING
AT PALMER FIELD
ON BERNIE

impacts. Comm. Anthony Vasiliou suggested having Wesleyan University get involved. Chm. W. Lee Osborne responded on the Plan of Development and zoning should require them to meet with Wesleyan University. Comm. Anthony Vasiliou commented. Comm. David Roane commented on G.S. 8-24s and how the Commission should act in the future. Comm. Corrine Dorsey commented on shielding. Comm. Carl Bolz feels the lighting should be the latest technology for preventing sky glow. A motion to give an affirmative G.S. 8-24 Review to upgrade the field lighting at Palmer Field on Bernie O'Rourke Drive with the condition that: 1) the Wesleyan University lighting/astronomy department be consulted; and 2) the latest technology be used to reduce sky glow and promote dark skies was made by Comm. Carl Bolz and seconded by Comm. David Roane. Comms. David Roane and Anthony Vasiliou commented on G.S. 8-24s. The motion passed unanimously. Applicant/agent City of Middletown Parks and Recreation Department/Wes W. Downing, Director

O'ROURKE DRIVE

On motion and second by Comms. David Roane and Corrine Dorsey the Commission scheduled a public hearing date of January 27, 1999 for a proposed Zoning Code text amendment to add Section 61.01.55 Vocational School for Massage Therapy as a permitted use in the IT Interstate Trade zone. Vote was unanimous. Applicant/agent Connecticut Center for Massage Therapy Z99-1

ITEM 4.8
SCHEDULED P.H.
1/27/99 FOR A
PROPOSED
ZONING CODE
TEXT AMEND-
MENT TO ADD
SECTION 61.01.55
VOCATIONAL
SCHOOL FOR
MASSAGE THER-
APY AS A PER-
MITTED USE IN
THE IT INTER-
STATE TRADE
ZONE

On motion and second by Comms. David Roane and James Fortuna the Commission scheduled a public hearing date of February 10, 1999 for a proposed Special Exception to convert an existing two family dwelling located at 57 South Main Street to a pro-

ITEM 4.9
SCHEDULED P.H.
2/10/99 FOR A
PROPOSED
SPECIAL EXCEP-

fessional use. Vote was unanimous. Applicant/agent Ernest Nepomuceno SE99-1

TION TO CONVERT AN EXISTING TWO FAMILY DWELLING LOCATED AT 57 SOUTH MAIN STREET TO A PROFESSIONAL USE

There is a tape recording of the public hearing available in the Planning, Conservation and Development office.

ITEM 5
P.H. TAPE
RECORDING

Chm. W. Lee Osborne indicated that he was worked with the engineer but feels no conflict exists. Comm. Anthony Vasiliou indicated that he has read the minutes and is prepared to vote. Atty. Joseph Borkowski commented on the completed plan. Frank Magnotta explained the proposed plan. Comm. Corrine Dorsey questioned staff comments. Frank Magnotta responded. Comm. Carl Bolz questioned lighting, night skies and displaying of the vehicles. Comm. Anthony Vasiliou questioned the illuminated sign of twelve by five. Discussion ensued on the sign. Comm. Anthony Vasiliou feels the sign should be smaller and the Commission should place a condition on the Special Exception approval. Chm. W. Lee Osborne feels the light should go out at a specific time. The applicant agreed to a nine p.m. turn-off time and relocation of the sign to a more appropriate site. Chm. W. Lee Osborne suggested a location for the sign. From the public, Sebastian Loguidice spoke in opposition, on problems with the Town & Country dealership and on other concerns. On motion and second by Comms. David Roane and James Fortuna the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. David Roane and James Fortuna the Commission granted a Special Exception for a motor Vehicle dealership to be located at 680 Newfield Street with the condition that: 1) the truck display be not less than fifty (50) feet from the pavement; 2) the sign be relocated and turned off at 9:00 p.m.; 3) the sign be no less than forty (40) feet from the front property line

ITEM 5.1
GRANTED A
SPECIAL EXCEPTION FOR A
MOTOR VEHICLE
DEALERSHIP TO
BE LOCATED AT
680 NEWFIELD
STREET

and located as discussed; and 4) all lighting satisfy the lighting requirements in the Zoning Code. Vote was unanimous. Applicant/agent RJAJ, LLC/Richard W. Jukonski, Jr. SE98-10

Atty. Philip Karpel, Dan Carter, and Chris Singley explained the proposal. Atty. Karpel presented the design team. Chris Singley explained the need for the facility, the floor plan and the treatment of the patients. Dan Carter explained the site plan, the engineering aspects, the departmental comments and previous approvals on the site. Comm. Anthony Vasiliou questioned grading along the residential properties. Discussion ensued and the need to revise the buffer and make it more dense. Comm. Carl Bolz questioned the differences between this facility and the assisted living facility. Chris Singley responded. Comm. Corrine Dorsey questioned the number of patients. Comm. Anthony Vasiliou questioned wetlands. From the public, S. Jaskot questioned the buffer zone and the sewer and water connections for existing homes. Discussion ensued on future sewer extensions. The three main concerns are: 1) impacts on well water. Atty. Karpel responded; 2) dust from the construction activity. Chm. W. Lee Osborne responded; and 3) concern over cars and trucks in back. R. Carta questioned the access road location. Chm. W. Lee Osborne responded. Discussion ensued. Comm. David Roane questioned Atty. Karpel on property values. Atty. Karpel responded. Chm. W. Lee Osborne questioned the architect. G. Ames, an architect from Waterbury, responded that what is proposed on the plan is what will be built. Comm. Anthony Vasiliou questioned property values. On motion and second by Comms. David Roane and Corrine Dorsey the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. David Roane and Corrine Dorsey the Commission granted a Special Exception to construct a care facility with residential living units for alzheimer's patients at 540 Saybrook Road adjacent to the Middlesex Hospital Outpatient Center with the following conditions: 1) the buffer be increased and modified; 2) all departmental

ITEM 5.2
GRANTED A
SPECIAL EXCEP-
TION TO CON-
STRUCT A CARE
FACILITY WITH
RESIDENTIAL
LIVING UNITS
FOR ALZHEIMER'S
PATIENTS AT 540
SAYBROOK ROAD
ADJACENT TO THE
MIDDLESEX HOS-
PITAL OUT-
PATIENT CENTER

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comments be addressed; and 3) if deemed necessary by the Zoning Enforcement Officer all houses will be washed down after the construction has completed. Vote was unanimous. Applicant/agent Village Retirement Communities, LLC/Attorney Philip F. Karpel SE98-11

On motion and second by Comms. David Roane and James Fortuna the Commission tabled a proposed 16 lot resubdivision of the property of Patricia K. Scully located at 346 Congdon Street in the vicinity of Cynthia Lane off of Congdon Street East until the February 10, 1999 meeting. Vote was unanimous. Applicant/agent Daybreak Corporation/Philip F. Karpel, Esquire S98-9

ITEM 5.3
TABLED A PROPOSED 16 LOT RESUBDIVISION OF THE PROPERTY OF PATRICIA K. SCULLY LOCATED AT 346 CONGDON STREET IN THE CYNTHIA LANE OFF OF CONGDON STREET EAST

On motion and second by Comms. James Fortuna and Anthony Vasiliou the Commission approved the minutes of the December 9, 1998 meeting. Vote was unanimous.

ITEM 6.1
APPROVED THE MINUTES OF THE 12/9/98 MEETING

The amendment to the bylaws were tabled.

ITEM 6.2
AMENDMENT TO THE BYLAWS

There was no discussion.

ITEM 7
DISCUSSION WITH PUBLIC

Adjournment was at 12:00 A.M.

ITEM 8
ADJOURNMENT

Respectfully submitted,

William Warner
Director of Planning, Conservation & Development