

Parisi, Chm.; Eric G. Lowry, Vice-Chm.; Cos Giuffrida, Secretary; COMMISSION
J. Dreaher; Stephen T. Gionfriddo; Seb J. Passanesi; Rose Sbalcio; MEMBERS PRESENT
Alternates: Louis Carta; George L. Augustine; Mary C. Woods

Mayor Michael J. Cubeta, Jr; Anthony J. Gaunichaux MEMBERS ABSENT

George A. Reif, Director; Althea Rinaldi; Mary Lee Dorflinger STAFF

Jeff Kotkin, Reporter, Hartford Courant; Jan Frazier, Middletown Press; OTHERS
approx. 14 persons in the audience.

CHM. PARISI:
The public meeting to order. Everybody's present tonight so, at this point there will be no alternates serving. The first item on the agenda is, the public hearing is advertised on the legal notice and I'll ask the Secretary to read the call of the meeting and the first item.

SECRETARY GIUFFRIDA:
THE PLANNING AND ZONING COMMISSION WILL HOLD A PUBLIC HEARING, JANUARY 14, 1981, STARTING AT 7:00 P.M., IN THE COUNCIL CHAMBER, MUNICIPAL BUILDING, DEKOVEN DRIVE, MIDDLETOWN, CONNECTICUT; to consider the following:

Item 1. Central School, conversion to living units, located at 201 College Street. Applicant Caldarelli/Interbartolo Associates.

ITEM 1
CENTRAL SCHOOL
CONVERSION TO
LIVING UNITS
201 COLLEGE ST.

CHM. PARISI:
O.k. All of the items on the public hearing tonight have been advertised twice in the Middletown Press on January 3rd and on January 10th to meet the legal requirement for notice. Items one, three and six on the agenda, a request has been made that the commission make a decision on the items this evening. And I say that because it's normal practice of the commission, an item that's heard at public hearing is not normally acted upon until the next following meeting unless there has been a request beforehand. Now the commission will vote as to whether or not to honor those requests. The procedures that we follow for the public hearing is the proponent presents the application. We then ask for comment from people who are proponents or who are in favor of whatever the proposal is. And then we ask for those in opposition. And then we move on through the items on the agenda. So, I know Attorney Cartelli is present for Caldarelli/Interbartolo. Jack..

ATTY. CARTELLI:
Mr. Chairman, for the record, Attorney Cartelli of the law firm Fortuna and Cartelli, representing Mr. Interbartolo and Mr. Caldarelli, the developers of this particular project. As you all know, this is the Central School building located at the corner of Hamlin Street and College Street in the City of Middletown which is presently vacant. And what we're seeking this evening is the approval of the Planning and Zoning Commission for the plan submitted, obviously, commissioned upon any recommendations or considerations that are made available to this commission by the city departments. And, if I might, this is the plan of the building. This is the building itself with the parking to the side of the building. This would be the west side of the building. And additional parking south of the building. The area located to the south of the blue line and to the eastern blue line in here is a recreation area pool and other facilities. College Street is in this area. Hamlin Street

ATTY. CARTELLI: (Continued from previous page)

in this area. With regard to parking, you should be aware that we are within the code in that the number of parking places required is, I believe 42, that is exceeded so that there are in fact 44 parking places. Before we get the special exception, a portion of the code, the zone in which this property is located is a R-4 Zone whereby way of special exception multi family dwelling units are permitted. It's a permitted use by way of special exception. And the special exception portion of the code dealing with multi family dwellings set out the requires, the terms of parking, etc. This has been the normal route through the various departments and agencies of the city. And there have been some comments which I'm sure Mr. Reif will make you aware of. But, in essence, the plan is to convert this building into 28 condominium units in place of the vacant building which now stands at this location. If there are any questions which the commission members might have concerning the proposal, I would be pleased to answer those to which I have the answers and Mr. Marino is here. And Mr. Caldarelli/Interbartolo, I'm sorry, Mr. Interbartolo is here to answer any questions which you might have. I'm sure you're all familiar with Mr. Interbartolo along with Mr. Caldarelli, developed the Middletown High School project of which this city is rightfully very very proud of. Their intention to do with this building as good a job as they did with the prior building in terms of getting it constructed the way it's suppose to be, on time. They have gone through substantial preliminary plans in terms of financing and discussions with the city for the purchase of this building and the subsequent commencement of activities to bring the project in. Again, we're asking for approval of this plan subject to any departmental recommendation which maybe made. As I understand it in reviewing the application, in reviewing the the request of the town, of the various departments, in looking through the code, we are substantially in compliance on on all counts. It is an existing building. And there are no substantial modifications which would extensively alter that existing building as it now stands. There are some out buildings which are rather unsightly and those would be torn down. I believe, there in the area of the westerly parking lot. And that's where the parking will be instituted. If there are any questions again, I would be pleased to answer them, if I do have the answers and Mr. Interbartolo is present to answer any questions which you might have of him.

COMM. LOWRY:

Jack, maybe I missed it. Where is the smaller building going to be?

ATTY. CARTELLI:

This area here.

COMM. LOWRY:

Yes.

ATTY. CARTELLI:

This is strictly parking.

COMM. LOWRY:

Are you going to raze it? What does the building now?

ATTY. CARTELLI:

No, this is the building. The area in blue is the building.

COMM. LOWRY:

Isn't there, there some building behind??

WOODS:

is just a playground. No.

.. REIF:

These temporary classrooms are right in here.

COMM. WOODS:

Right.

ATTY. CARTELLI:

Those will be torn down.

COMM. LOWRY:

O.k.

ATTY. CARTELLI:

And the recreation area including the pool, looks like basketball courts and any other facilities that are contemplating but substantial recreation area is included in this, on this entire area. This is parking. This is parking which combined is a number of spots, parking places, in excess of the required number by the code.

CHM. PARISI:

Jack, who owns between the, the main building, yes, who owns the..?

ATTY. CARTELLI:

This one here.

CHM. PARISI:

Yes.

ATTY. CARTELLI:

That is a property owned by a Mr.....

CHM. PARISI:

It's not by the city..

ATTY. CARTELLI:

No. It is not.

CHM. PARISI:

O.k.

ATTY. CARTELLI:

It's people named a, a, Pisa...

CHM. PARISI:

O.k.

ATTY. CARTELLI:

... and I happen to represent them and it has nothing to do with this but I know that Mr. Pisa recently passed away. His widow and several children live there but it's a privately owned piece of property.

CHM. PARISI:

O.k.

ATTY. CARTELLI:

The city does own this or as I understand it, has purchased it from the Redevelopment Agency but it's city owned property as well as, as the entire project.....

CHM. PARISI:

O.k.

ATTY. CARTELLI:

....and the necessary arrangements and commitments have been made between the City, the Council and the developers for the purchase of those properties and the commencement of improvements to bring this project in as quickly as possible.

CHM. PARISI:

Any questions from the commission at this point or George, do you want to read the comments?

DIR. REIF:

I don't want to read all the comments but I do want to report that we haven't come up with any show stoppers. There are two things that we want to get on the record. First of all, Jack said, we're doing an existing building and it doesn't need the setback requirements but...

CHM. PARISI:

Obviously....

DIR. REIF:

Obviously, it...

CHM. PARISI:

I'm sure it exceeds lot coverage too.

DIR. REIF:

Yes it does. Thank you very much Mr. Chairman. Those are the only two things, they've, they have a few things they've got to change. They show a 10 foot driveway. It's got to be 15 feet. They don't show where the parking lot lights are going to be. And that's an example of the level of, you know obviously, they can correct as they go along. So I don't think I'm going to read all the, the letters. The Health Department points out that they've got to solve the problem/solid waste management. They've got to have a place for a dumpster. And the other comments they have really deal with the building. Example is that they have to have screens on the windows. It's not a site plan problem. They have any food services other than dwelling units, they've got to be reviewed by the Health Department. So you can quickly see that the, there are some things that the departments are interested in but there's nothing that would really hold the whole thing up. The Fire Department doesn't have any objections. And that's it. We have heard from everybody. Public Works, Water and Sewer, Health, Fire, the only people we haven't heard from are the Police but they never respond until they go through the police commission but there's no real way that there can be any problems. So, basically, they can meet the requirements of the zoning code. They've got a little more work to do but there's nothing really to prevent them from the commission from taking action on this thing.

DIR. REIF:
No. We, we very....

COMM. LOWRY:
(Inaudible) Two persons speaking at once.

DIR. REIF:
....very cleverly, the commission in order to accommodate this type of thing eliminated requirements for all buildings built, I think it's earlier than 1978.

COMM. LOWRY:
76

DIR. REIF:
76 O.k. There you are.

CHM. PARISI:
O.k.

ATTY. CARTELLI:
I might add also that the property obviously is served by public utilities including water, sewer and, and natural gas. So it's fully serviced by the utilities available to the City of Middletown.

CHM. PARISI:
Any questions from the commission? O.k. Thank you Jack.

ATTY. CARTELLI:
Thank you very much.

CHM. PARISI:
Is there anyone who wishes to speak in favor of the proposal? Anyone who wishes to speak in opposition? O.k. Proceed to item two.

SECRETARY GIUFFRIDA:
Item 2. Proposed exchange of non-conforming uses to auto body repairs and selling used cars. Applicant Salvatore J. and Antoinette Marino at 50 Walnut St.

CHM. PARISI:
Is anyone present to present item two? Are you presenting it or?

DIR. REIF:
I had no idea that there was not going to be anyone here but...

CHM. PARISI:
I, I would have thought that there would have been an attorney here but...

DIR. REIF:
Yes, well, let's.....

CHM. PARISI:
Shall we move on and come back to it?

ITEM 2
NON-CONF. USE
50 WALNUT ST.
MARINO
AUTO BODY REPRS.
& SELLING USED
CARS

COMM. LOWRY:

(Inaudible)...what do you mean if they don't...(Inaudible)

DIR. REIF:

Well, there's a provision in the zoning code that...

COMM. LOWRY:

(Inaudible) ...from what?

DIR. REIF:

From a previous, now you're going to ask a question that would have been good to have, with what we're dealing with is a building that has a whole lot of non-conforming uses.

CHM. PARISI:

Yes.

COMM. LOWRY:

O.k.

CHM. PARISI:

Why don't we come back to it? O.k. Item three.

SECRETARY GIUFFRIDA:

Item 3. Proposed Zoning Code Text and Map change re: Riverfront Recreation Zone (Section 31) to delineate boundary as the railroad track to Silver Street at River Road instead of the flood plain line as currently designated. Map showing the proposal is filed in the Town Clerk's Office.

ITEM 3
PROPOSED ZONING
CODE & MAP CHANGE
RE: RIVERFRONT
RECREATION ZONE
SECTION 31

CHM. PARISI:

This proposal has come from the staff, so George, why don't you...

DIR. REIF:

O.k. Normally, we wouldn't proceed to put something on the agenda without discussing it with you but this is such a, an unfortunate oversight in, that we discovered when we're updating the map with the new flood plain and what have you that we thought we'd proceed because there's a conflict here. The way we have been showing where the Riverfront Recreational Zone is and the way it reads in the book. Before I read the paragraph that describes it, let's look at the map. The map on the left, the purple area shows the flood plain and the description of the Riverfront Recreational area in effect follows the flood plain after it gets, the railroad track passes under Route 9. The map on the right, where we have the pink area shows what we really thought and intended all along was going to be the Riverfront Recreational Zone. So, we're, we just can't change the map without going through the public hearing. So that's why we're here. But now, let me read the location and description of the Riverfront Recreation Zone. And you'll see what I'm talking about. This zone is composed of the Connecticut River and the strip of land paralleling the river from the northern to^{the} southern municipal boundary. The northern, eastern and southerly boundary is the municipal line. The western boundary, at the northerly end, is the railroad track which parallels State Highway 9. At the location the railroad track passes under Route 9, the flood plain line becomes the boundary continuing to the southern municipal boundary. That means that

DIR. REIF: (Continued from previous page)
all the purple area would really be, according to this description, the Riverfront Recreational Zone.

CHM. PARISI:
O.k. Yes.

DIR. REIF:
I really didn't have that in mind when we, what we have in mind now is to change the text so that the Riverfront Recreational Zone will follow the railroad track until it gets over to Silver Street when then it will follow the flood plain on out.

CHM. PARISI:
Well, will you say as proposed? Don't you have to much in orange there?

DIR. REIF:
No. The, the rest of it that is now...

CHM. PARISI:
Well, what's the orange?

DIR. REIF:
The orange is an R-3. That's the way it is...

CHM. PARISI:
Oh. O.k. So you're just talking about the pink now.

DIR. REIF:
Yes.

CHM. PARISI:
All right.

DIR. REIF:
There's a map that shows the way we also propose it.

CHM. PARISI:
O.k. It's a better map.

DIR. REIF:
You can read the description...

CHM. PARISI:
That's a better map.

DIR. REIF:
O.k. According to the description in the zoning code, this is all Riverfront Recreational.

CHM. PARISI:
Yes. O.k.

DIR. REIF:
This is what we intend to have Riverfront Recreational.

CHM. PARISI:
O.k. That makes sense.

DIR. REIF:
And it's just a, in a sense a technicality, but on the other hand we want to correct the text and the map.

CHM. PARISI:
Any questions from the commission? Anyone from the public wishing to speak in favor of the proposal? Anyone wishing to speak in opposition? Proceed to item four.

SECRETARY GIUFFRIDA:

Item 4. Proposed Zoning Code Text change to Section 14,
Item 14.04.02, re: non-conforming uses, to permit non-
conforming uses to expand beyond boundaries of its present
site. Applicant, Joseph T. Rossi, Jr.

ITEM 4
PROPOSED ZONING
CODE TEXT CHANGE
SECTION 14
ITEM 14.04.02
NON-CONF. USES
JOSEPH T.ROSSI, JR

MR. ROSSI:
Good evening. I am here to ask the commission....

CHM. PARISI:
Joe, would you identify yourself just for the record?

MR. ROSSI:
Oh yes. O.k. I'm Joe Rossi, Jr. and I run the lumber yard out on Berlin Street, the former Loewenthal Lumber Co. I'm here to ask the commission to take necessary steps so that consideration can be given to expand my lumber operation across the railroad tracks on to an 5.88 acre parcel currently in a R-3 Zone. This 5.88 acre parcel was the subject of a hearing a few months ago concerning 90 units of housing. If permitted, I would like to purchase the land, construct a 50 by 100 foot structure with supporting facilities for the purpose of making little sticks out of big sticks. And you, also to use the land for storage of lumber and building materials. Description of my existing facility, I thought maybe I might familiarize some of the members of the commission with what is presently there. The existing property is a 3.75 acre parcel on the north side of Berlin Street and situated immediately easterly from the proposed expansion site on the other side of the railroad tracks. The (Inaudible) facility has been in operation since 1911, consists of a lumber yard, hardware store and woodworking and lumber processing facility. There are currently 4 structures situated on the site comprising of approximately 30,000 square feet of building area with a 350 foot railroad siding. The balance of the property being utilized for lumber and building materials storage. The site plan which, is that a copy of the site plan, George?

DIR. REIF:
Yes, yes, but what's happening here is we've drifted into item five.

CHM. PARISI:
Yes. I know we have. Yes.

MR. ROSSI:
Well...

CHM. PARISI:

MR. ROSSI:

O.k. All right. I have provided a site plan showing the property, the location of areas to be used for access, building, and for storage. I don't plan to use the Columbus Avenue in any respect but would like to provide a gate for emergency municipal vehicles only. The building will be a high class building just as the two we currently constructed after our fire. It will be sprinklered and fire hydrant. A fire hydrant will be provided. And it will contain inside the machinery to convert logs into railroad ties and lumber. Finally, the, the site would be ideal and extremely suitable for me due to its immediate adjoining location. I presently operate a similar facility in line and I plan to move, close or sell it as the distance is far to uneconomical to manage and control. The reason I went into this first was because of course, I can't do this unless we accomplish item four.

CHM. PARISI:

O.k. All right. Let's do it right. So let's talk about four at this point. O.k. And then we'll move on. George, why don't you explain what four does, I guess?

DIR. REIF:

Well, the purpose of, right now there is a provision in the code, item 14. 04.02 that says that you can't expand a non-conforming use beyond the, its current site. That's what Joe is applying to have changed. So it will be, the zoning code will read that it, eliminate that provision that prohibits expansion of a non-conforming use beyond his current site. That's all. He's not going to put anything new in. He's just going to take that out. O.k. So, if that is out then he can use the, the rest of section 14 which permits applicants to come to the Planning Commission and apply to enlarge their non-conforming use. So he's asking you, take out the section which says you can't, expand beyond the site, you take that out and then he, rather than wait another month, he's here asking to be able to....

CHM. PARISI:

I don't want to get into five.

DIR. REIF:

O.k. All right.

CHM. PARISI:

I want to keep them separate. O.k.

DIR. REIF:

But that's the reason. So, now the reason it's got to be separate is because obviously, if you can do it for one person than you're going to be able to do it for anyone else.

CHM. PARISI:

Right. Yes.

DIR. REIF:

It's not, you may have other people coming in the future. You may not.

CHM. PARISI:

O.k. Any....

CHM. PARISI:

O.k. any, O.k. any members of the commission have any questions on item four? It's the deletion of the code requirement. O.k. Is there anyone from the public who wishes to speak in favor of item four? Is there anyone who wishes to speak in opposition?

COMM. CARTA:

I have a question on item four.

CHM. PARISI:

Yes. Yes.

COMM. CARTA:

I want to be clear on what the, the total use of, of the new piece of land is going.....

CHM. PARISI:

O.k. Lou, that's item five, so let's...

COMM. CARTA:

All right. Now, you got me confused here.

CHM. PARISI:

All right. O.k. I'll ask the Secretary to read item five.

SECRETARY GIUFFRIDA:

Item 5. Proposal to expand non-conforming use to nearby property. Applicant, Joseph T. Rossi, Jr., Berlin Street

ITEM 5
PROPOSAL TO EX-
PAND NON-CONFORM.
USE-BERLIN ST.
JOSEPH T. ROSSI, JR.

CHM. PARISI:

O.k. I think Joe has pretty much explained what he wants to do. Now any commission have questions on five?

COMM. CARTA:

(Inaudible) question.

CHM. PARISI:

O.k. Lou, go ahead.

COMM. CARTA:

Yes. I'm, I'm not all together clear on the complete use of the property. Understand you're going to mill lumber there.

MR. ROSSI:

Right.

COMM. CARTA:

All right. Are you going to have retail and storage and sales there?

MR. ROSSI:

Not, not on this site. We'll have storage there. Retail storage and well of course, if a customer wants a product that happens to be over on this side, then we'll sell it over here but it all has to go, everything goes through our store.

COMM. CARTA:

Essentially, it's a milling operation such as the one you have in line.

MR. ROSSI:

Yes. This, this is our existing property over here. O.k. This is Berlin Street. And this is the railroad tracks. And this is the portion of the property we intend to use.

CHM. PARISI:

Any other questions?

COMM. CARTA:

O.k. That answers my question. Thank you.

CHM. PARISI:

Any other questions? Eric?

COMM. LOWRY:

Yes. I'd, you are going to post this lumber? One saw or another?

MR. ROSSI:

Yes. Logs into squares basically.

COMM. LOWRY:

Any noise level involved in this operation?

MR. ROSSI:

Yes. Within, the saws themselves do produce noise but we plan to contain that within the building. We currently have a, a woodworking plant in operation there. It hasn't been a problem. The building is well insulated. And the noise does not travel outside the building except when the doors are open in the summer. If it becomes a problem, ^{well} we plan to, to, you know, in front of the overhead doors, we're going to have to put some kind of a noise barrier, that's all. But I would say that the noise that will emit outside would not exceed the traffic on Route 72 noise level. When you get out in the street from where the building is going to be, you won't be able to hear any louder noise coming from that building than you will from Route 72 traffic at the, you know, during the regular course of the day.

CHM. PARISI:

Any other questions? George?

DIR. REIF:

Let me drop one, one thing into this. During the course of discussion about how to approach this problem of expanding ^{the} lumber company, we considered an application for change of zone. The truth of the matter is, there isn't any zone. He, he, both, his lumber and he handles lumber and he has retail sales. In order to have a lumber yard, you need an I-1 Zone. In order to have retail sales, you need a Business Zone. And so, even if he applied or wanted to apply, there isn't a zone that would really fit. So, that's that's why we're here with this approach.

CHM. PARISI:

Well, at one time I think that area was zoned Industrial, probably way back when.

DIR. REIF:

Because everything along the railroad track used to be zoned industrial.

CHM. PARISI:

Yes. Yes.

COMM. DREAHER:

Are you going to use water to..?

MR. ROSSI:

Well, just for the sprinklers and the fire hydrants.

COMM. DREAHER:

Not for ripping the, the....

MR. ROSSI:

No. No, there's no water used in the process at all. No. No, it's electrical power. No. Electricity powers the saws.

COMM. DREAHER:

No lubricants at all.

MR. ROSSI:

No, well, you know, just to grease the machine. That's all. No. No. No water. No. Just for the toilets and for sprinklers and the fire hydrant.

COMM. AUGUSTINE:

You said you'll be making some railroad ties there?

MR. ROSSI:

Yes sir.

COMM. AUGUSTINE:

You'll be treating them there also?

MR. ROSSI:

No sir. We will not. No. No treating. They all, we ship them, we sell them to a customer and they ship them out of state and treat them.

COMM. CARTA:

You be, are you doing any manufacturing such as pallets as you do in the..?

MR. ROSSI:

Not on this side, we're not planning on, on, on the new side, no. Because we're doing that in the present woodworking shop now.

COMM. DREAHER:

Talk about noise level. Maybe we can't hear the noise but there's a, a vet hospital right down the street. You think that there would be such a high pitch that it would hurt the animals and we won't hear the noise.

MR. ROSSI:

That's a good question. I hadn't thought of it. I've discussed this with Paul Handler. He did not bring it up. I don't know if he's here tonight or not. Generally, this, from my knowledge of, of sound, animals can hear like

MR. ROSSI: (Continued from previous page)
kind of a sound. The saw is not that kind of a sound.

COMM. DREAHER:
It's not the higher or lower level.

MR. ROSSI:
It's a, it's, it's a, it's a lower level. Loud, but it's not a....

COMM. PASSANESI:
It's the higher level you won't be able to hear.

COMM. DREAHER:
I can't hear but a animal can.

MR. ROSSI:
Yes. Yes. Yes. It's not a high level type of a sound. Not this type of a saw. The ones we have now, on the swing saws for instance, that have been there, they make the high, the smaller the saw, the faster you turn it. It'll, it'll, it'll sing right along, you know. And that's caused by vibration. And if properly, if properly, the, the small saws we find if their properly hammered and properly sharpened, they don't sing. And if, if once in a while you get one that is a problem because you can't stand working with it and so you have to throw it away and get a new one. But that's, I've only found that in my experience with the small saws. But not with the big ones.

CHM. PARISI:
Any other questions from the commission members? Is there anyone from the public who wishes to speak in favor of the proposal? Is there anyone who wishes to speak in opposition? O.k. We will close item five.
Attorney Hurney has come in. Bob, I assume you're here for item two. We had ITEM 2 skipped it.

ATTY. HURNEY:
For whom?

CHM. PARISI:
Are you here for item two tonight for the public hearing?

ATTY. HURNEY:
I didn't hear you. I'm sorry.

CHM. PARISI:
O.k. Are you representing item two, the Marino?

ATTY. HURNEY:
No.

CHM. PARISI:
Oh. O.k.

ATTY. HURNEY:
I'm, I'm interested in it. I'm here as a spectator.

CHM. PARISI:

ATTY. HURNEY:

No.

CHM. PARISI:

O.k. All right. I'll ask the Secretary to go to item six.

SECRETARY GIUFFRIDA:

Item 6. Proposal to amend Plan of Development to include extension of Industrial Park Road northward to City boundary. Map showing the proposal is filed in the Town Clerk's Office.

ITEM 6
PROPOSAL TO AMEND
PLAN OF DEVELOP-
MENT TO INCLUDE
EXT. OF INDUSTR.
PRK. RD. TO CITY
BOUNDARY.

DIR. REIF:

The colored map on the easel shows your Plan of Development which is amend-BOUNDARY. ed from time to time. Included in the plan are some proposals to extend various roads. Here's one example where we intend some day in the future to extend the Pine Street. Here's another example where we hope to link I-91 with the central business district. What we're asking you to add to the Plan of Development is the well talked about extension of Industrial Park Road which now exists here. The red dots are what we want to add. This, this, we have other roads shown on the map. You, the commission has concerned itself from time to time about what's going to happen to that extremely long dead end, currently dead end street. There is obviously now a solution at hand and what we're asking, we got to go through the formality of a public hearing, is simply to show what is being proposed now, obviously for Aetna and being proposed by the City and the State. Without the formality of the public hearing, we can't just add it to the map.

CHM. PARISI:

Any questions from the commission? Anyone from the public wishing to speak in favor? Anyone wishing to speak in opposition? Close item six. Well, I suppose we ought to put item two on the table, I guess. I, since there's nobody here on it.

ITEM 2

DIR. REIF:

Bob Hurney's leaving.

CHM. PARISI:

No, he's not. but I..

DIR. REIF:

...He's not interested....

CHM. PARISI:

He's not representing, he's interested but he's not representing Marino. And I guess, there's nobody present to present the...

DIR. REIF:

Let me ask (Inaudible) Did we, we did send them the notice, I trust.

ALTHEA RINALDI:

No I didn't.

DIR. REIF:

You didn't send them a copy of the agenda?

CHM. PARISI:

Well, why don't you put it on...

DIR. REIF:

Did we send anybody else a copy..?

ALTHEA RINALDI:

No.

CHM. PARISI:

Put it on and if somebody shows, they show. If not...

ALTHEA RINALDI:

Nobody else was informed. No. None of those people were informed.

CHM. PARISI:

Well, what's the application say and we may as well put it on the table.

DIR. REIF:

Yes.

CHM. PARISI:

I'll ask the Secretary to read item two again just to get it on officially.

SECRETARY GIUFFRIDA:

Proposed exchange of non-conforming uses to auto
body repairs and selling used cars. Applicant
Salvatore J. and Antoinette Marino at 50 Walnut St.

ITEM 2

CHM. PARISI:

George?

DIR. REIF:

Could I address the commission?

CHM. PARISI:

You might as well tell what it's about.

DIR. REIF:

Frankly, I don't think that it's that complicated on one hand and on the other hand I, I'm not a proponent of this. There exists on Walnut Street a building that's used by, for many different purposes. None of them comply with the zoning code. But, the building has been there for, I guess over a century. And what the proponent wants to do is to exchange some unidentified existing non-conforming use and he wants to establish automobile repair facility. Let's see, I think I've got the wrong..

COMM. PASSANESI:

Are you talking about, is he going to work on engines or is he going to?

DIR. REIF:

No. Let me, let me read this to you and we'll tell you. I'll know, you'll know as much about it as I do. He's going to change, there exists now a power boat builder and he's going to change it to a auto body repair facility. Now, he also wants to sell used cars. And the reason I'm making a point out

DIR. REIF: (Continued from previous page)

little notoriety recently because the person had to apply to the Zoning Board of Appeals. He did. The Zoning Board of Appeals is, went as far as they could go in granting the approval of the auto body repair facility. However, that application did not include any proposal to sell used cars. The general activity in the vicinity, there's no question about it, nobody would notice a auto body repair shop. There happens to be one up the street within a block. The other uses are ditch witch and a number of, of things. I can't remember all the uses but their retail and industrial and what have you. It just, just like the building appears to fit in, in ^{an} industrial type zone. So a body repair shop would not be noticed. Now, we haven't cleared this with all the other agencies like the Health Department because there's no sense in doing that unless we get the laying use catagory clear. So, if you want to act on it...

CHM. PARISI:

That's it. Well, it's, you know, hopefully as the meeting gets reported by the newspapers, people that are proposing it will know it came on and maybe they will come and explain it to us.

DIR. REIF:

Would you like me, instead of ending this public hearing for this item, continue it? That's another possibility.

CHM. PARISI:

Yes. Well let's in case their's anybody here that wants to...

DIR. REIF:

Instead of killing it..

CHM. PARISI:

Yes.

DIR. REIF:

...for another month or and be advertising it, they can come back at the next meeting if you continued it.

CHM. PARISI:

Is their anyone from the public who, who wishes to speak in favor of this proposal? Anyone who wishes to speak in opposition? O.k. We'll close item two and that closes the public hearing. I guess the next thing we should do....

COMM. LOWRY:

(Inaudible)....continue this.

CHM. PARISI:

Yes. Well, we'll have to...

COMM. LOWRY:

(Inaudible) Too faint.

CHM. PARISI:

Well..

DIR. REIF:

CHM. PARISI:

Oh, you want to...

DIR. REIF:

....continue at the next...See you have 65 days. You can continue a public hearing for 65 days.

CHM. PARISI:

All right. O.k. You want me to reopen the public hearing to do that first?

DIR. REIF:

If you will, please.

CHM. PARISI:

I reopen the public hearing.

COMM. LOWRY:

I make the motion to continue...

DIR. REIF:

Continue this item.

CHM. PARISI:

Continue the public hearing for item two. Is their a second?

COMM. GIONFRIDDO:

Second.

CHM. PARISI:

O.k. Any discussion? All in favor? Opposed? So voted. I may as well ask you, do you want to act on items one, three and six tonight?

(Vote was unanimous)

COMM. DREAHER:

So moved.

CHM. PARISI:

Is their a second?

COMM. LOWRY:

Second.

CHM. PARISI:

Second by Dr. Lowry. Any discussion? All in favor? Opposed? So voted. I'll now close the public hearing.

(Vote was unanimous)

REOPENING OF PUBLIC HEARING FOR ITEM TWO.

REOPENING OF P.H.
FOR ITEM 2.

CHM. PARISI:

Why don't we officially reopen the public hearing for item two. I'll ask the Secretary to read it again and we'll do it officially.

SECRETARY GIUFFRIDA:

Item 2. Proposed exchange of non-conforming uses to auto body repairs and selling used cars. Applicant Salvatore J. and Antoinette Marino at 50 Walnut St.

ITEM 2
NON-CONF. USE
50 WALNUT ST.

CHM. PARISI:

O.k. Just for the record, this appeared on Saturday, January 3rd and Saturday, January 10th, 1981. Mr. Hurney,...

ATTY. HURNEY:

Yes sir. I told you before that I didn't represent...

CHM. PARISI:

You just got hired, I, you know,

(Inaudible) Laughter

ATTY. HURNEY:

(Inaudible)...I actually represent the tenant. Mr. Marino is here. So, I will speak for him. It's very simple. I think you're all aware of what happened. They went before the ZBA. And that was approved by them as a continuing non-conforming use. Now, it was rezoned to an R-3 Zone but it's the old Omo Mfg. Co., which since just about the time of the Civil War has always been an industrial use. And there's no other use that could be made of this property. And they're running a body shop there now. They want to conform to the law and of course, they have to have your approval to get the Motor Vehicle Department approval for a dealer's license or a repairer's license. Right now all they can do is spray paint. And that's what it all boils down to. There's no other use could be made of that building.

CHM. PARISI:

Any questions of either the attorney or Sal whose doing it?

COMM. DREAHER:

Where on Walnut Street would you sell the cars?

DIR. REIF:

Well, wait a minute, they haven't even said anything about that. I think we'd better find out...

ATTY. HURNEY:

What's that?

DIR. REIF:

See, he doesn't even know that.

ATTY. HURNEY:

What's that?

(Inaudible) More than one person speaking.

ATTY. HURNEY:

...Well, every, every body shop sells a few cars a year. They're not in the business like a regular car agency. Sometimes they fix up a wreck and they get stuck with it and they have to sell it. And for that reason, they have to have a dealer's license. It's, it's not going to be a new car agency. It's a body shop.

COMM. DREAHER:

Where will they store these cars?

ATTY. HURNEY:

They'll never be more than one or two on the premises. He has a parking lot along side. It's fenced in. It's guarded by dogs. And he has quite a bit of area. I don't know how many square feet it is but quite a bit of area inside. I would imagine if he had a car that was for sale, he would put it outside after it had been repaired.

COMM. DREAHER:

On Walnut Street?

ATTY. HURNEY:

No. Oh no, on his own premises. It's all fenced in. There's a long driveway that goes down into there.

MR. MARINO:

It's what used to be Burbridge Avenue before Route 9 was put through there.

ATTY. HURNEY:

There's no Burbridge Avenue any more but it used to be. It's an old mfg. plant. It's, I think it's completely enclosed with wire fencing. Isn't it?

MR. MARINO:

It is.

ATTY. HURNEY:

And a locked gate and guard dogs and it's, ^{oh} I would say several hundred feet in off the street there's a driveway runs in there. Probably about two hundred feet down into the area. Then you go through a locked gate. And it's completely enclosed with anchor fencing. Is that correct, Mr. Marino?

MR. MARINO:

Yes it is.

CHM. PARISI:

Sal, for the record, why don't you just identify yourself since, you know, a couple of comments have picked up on tape so, you may as well let them know who you are.

MR. MARINO:

I'm Sal Marino.

CHM. PARISI:

O.k. Any other questions?

ATTY. HURNEY:

Mr. Krol is, Mr. Krol is also here if you want to talk to him. He's the lessee.

CHM. PARISI:

Walter, did you want to ask your question on the sale to Mr. Krol?

COMM. DREAHER:

Yes.

ATTY. HURNEY:

Would you come over Mr. Krol?

COMM. DREAHER:

Because it says, it says Walnut Street here.

MR. MARINO:

Well, our, our main address is Walnut Street. But the Krol's area, we, we take the whole block. Krol's area is what use to be Burbridge Avenue. It was cut off by our fence and a gate many many years ago prior to my even owning the place. And the city in fact, just repaved Burbridge Avenue to our gate and stopped. This last fall, right John?

MR. KROL:

Yes. Correct.

COMM. DREAHER:

Because the only part of the building that isn't fenced in is, isn't on Walnut Street and on River Road.

MR. MARINO:

The only part of the building that is not fenced in is where the building walls itself make a fence.

COMM. DREAHER:

Right.

MR. MARINO:

That's on Walnut Street.

COMM. DREAHER:

And River Road.

MR. MARINO:

And the corner of River Road.

ATTY. HURNEY:

For your information, I think Burbridge Road was discontinued when they built through....

COMM. DREAHER:

Oh, I used to play there. I know where it is.

DIR. REIF:

We have a little diagram showing how the buildings, if somebody wants to....

CHM. PARISI:

Mr. Krol, one of the questions that, that Commissioner Dreaheer asked that was, I 'd just follow up on it, I guess, is because of the used car aspect. Are we and I guess, you know, the question is are we going to be treated to, you know, flashing lights and pennants as Krol's used cars or just a accessory use?

MR. KROL:

No. No. Nothing. Just a, you know, like it says, a wreck or two or three maybe and you know, somebody comes in, my regular customers and there's cars (Inaudible)..you know, (Inaudible)..purchase a late model vehicle. No advertising like, you know, Town and Country and any kind of car dealership.

ATTY. HURNEY:

I just bought a car off of him today for my wife. It took me three months to get it.

DIR. REIF:

Are you complaining or bragging?

CHM. PARISI:

Any other questions???

DIR. REIF:

Can I...

CHM. PARISI:

Yes George.

DIR. REIF:

Can I get on the record with the fact the, how did you handle the business about selling cars with the Zoning Board of Appeals? Of course, you had to get their approval, we understand that, but the application to them said an approval certificate for a body shop, an approval of location of same for property located at Burbidge Avenue. Now, there was no mention of selling cars.

ATTY. HURNEY:

Well, any person can sell three cars a year without a dealer's license.

DIR. REIF:

Oh good, I'm going to start selling them. We all can sell three cars. O.k. But, what's the answer to the question? You didn't say anything about to the Zoning Board of Appeals about the....

MR. KROL:

What's the question?

DIR. REIF:

It says, the application which I have here or the legal notice about the, your proposal to the Zoning Board of Appeals, it's strictly mentions a body shop, doesn't...

MR. KROL:

Right. Like a, like I'll say or like Mr. Hurney says, any body shop, you have a few wrecks. I can sell three cars a year. I can sell six cars a year.

DIR. REIF:

O.k.

MR. KROL:

You still have to have a dealer's license to run the shop.

DIR. REIF:

All right. So the Planning Commission just, what we're talking about here is a change of a non-conforming use. There's one non-conforming use there. You're going to change another. So if they just simply said we agree to, to change the existing non-conforming use to a body shop, they'd cover the all you

ATTY. HURNEY:

Let me explain the problem to you. I think it needs a little explanation. You need a set of dealer's plates to run a car out to the Motor Vehicle Department to have it inspected under the state law or else you've got to fool around with temporary plates or whatever to get it inspected before you can transfer the title. That's what it comes down to.

MR. MARINO:

He wants to be, from what I see out there, he wants to be a used car dealer on a very small scale. Primary, an auto, auto body repairman. When he winds up with surplus cars, he'd like to have the license to be able to sell them. I don't know how else to say that in short. Actually, he's looking for used car license. Am I right or wrong?

MR. KROL:

More or less, yes. But it's not the point where I'm going to sell used cars all the time. But it's just handy to have something like this. Like if I had one or two wrecks, I'd fix them up on the side when I'm slow and I'd sell the cars.

ATTY. HURNEY:

Once in a while he's stuck with a wreck that he has to be able to peddle.

CHM. PARISI:

That's the one he sold you.

ATTY. HURNEY:

As a matter of fact....

CHM. PARISI:

Any other comments or questions? O.k. Is there anyone from the public who wishes to speak in favor of this proposal since it's official public hearing? Anyone, oh...

COMM. LOWRY:

This is one lot.

DIR. REIF:

This is a building..

COMM. LOWRY:

This is part of a big lot.

DIR. REIF:

Yes, this, this isn't one lot. We've got an old building there.

CHM. PARISI:

You have to go out and look at it.

COMM. LOWRY:

(Inaudible) More than one person speaking.

DIR. REIF:

Cannot be believed unless seen. Let, let me get another point clear. There's no new buildings involved in this deal, right? No new buildings?

(Inaudible) More than one person speaking.

ATTY. HURNEY:

No. No. This is an old....

(Inaudible) More than one person speaking.

DIR. REIF:

But you're not making any additions or anything else? Right?

ATTY. HURNEY:

No. nothing. No.

DIR. REIF:

I don't know if you can sit there and run through some of the uses that are in that building. Ditch witch is one that comes to my mind but....

MR. MARINO:

We have 17 tenants.

DIR. REIF:

17 tenants, right. Use to have ²paper company, Kelsey Paper Company. They're gone. There's a environmental laboratory....

COMM. DREAHER:

(Inaudible).....science laboratories there, health foods are there, Bell Detroit Diesel, (Inaudible)

DIR. REIF:

Yes. Yes I noticed that sign. Yes

(Inaudible) More than one person speaking.

COMM. LOWRY:

There's no restrictions for parking or anything like this..(Inaudible)

DIR. REIF:

What do you mean no restriction? Every, everything the Planning Commission deals with is on private property. So, don't...

COMM. LOWRY:

(Inaudible)...property

ATTY. HURNEY:

Eric, it's 200 feet off of Walnut Street. It's down in back.

COMM. LOWRY:

Yes.

DIR. REIF:

See, here's Walnut Street...

COMM. LOWRY:

Yes. I understand that.

DIR. REIF:

There's the old building, see. There's all ready a repair shop up the street, right?

COMM. DREAHER:

..corner of Chestnut..

MR. MARINO:

He's out in the street. We're in the yard.

CHM. PARISI:

Any other questions from the commission? Anyone wishing to speak in favor of the proposal? Anyone wishing to speak in opposition? O.K. If not, we'll close the public hearing.

ADJOURNMENT OF
PUBLIC HEARING

ATTY. HURNEY:

Thank you sir.

CHM. PARISI:

Thank you.

Mary Lee Dorflinger

Mary Lee Dorflinger
Transcribing Secretary

Paul P. Parisi, Chairman
PLANNING AND ZONING COMMISSION

APPROVED AT THE MEETING OF _____