

PLANNING AND ZONING COMMISSION REGULAR MEETING JANUARY 23, 2002, 7:00 P.M.
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Comm. Stephen Gadomski, Comm. James Fortuna, Comm.
George Lapadula, Comm. Andrew Rak, Comm. Carl Bolz,
Comm. John Voli, Comm. William Wilson, Comm. John Pieper,
Comm. Stephen Shapiro

COMMISSION
MEMBERS
PRESENT

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

COMMISSION
MEMBERS
ABSENT

William Warner, Director, Wayne Bell, Zoning Enforcement
Officer, Thomas Nigosanti, Chief Engineer

STAFF

There were approximately thirty-five (35) members of the public.
There is a word for word tape recording of the meeting on file and
available in the Planning Office.

PUBLIC

There was no discussion.

ITEM 2
DISCUSSION WITH
PUBLIC ON ITEMS
ON AGENDA

Comm. Stephen Gadomski announced that Items #2b.1, 2b.3, and
2b.5 will be tabled. On motion and second by Comms. George
Lapadula and James Fortuna the Commission tabled the public
hearing for a proposed three (3) lot resubdivision of property
located on the south side of Tuttle Road adjacent to Morning
Glory Drive in The Meadows at Riverbend Subdivision until
the meeting of February 27, 2002. Vote was unanimous.
Applicant/agent Tuttle Road Associates S2001-23

ITEM 2b.1
CONTINUED P.H.
FOR A PROPOSED
THREE (3) LOT RE-
SUBDIVISION OF
PROPERTY LOCATED
ON THE SOUTH
SIDE OF TUTTLE
ROAD ADJACENT
TO MORNING GLORY
DRIVE IN THE
MEADOWS AT
RIVERBEND SUB-
DIVISION UNTIL
2/27/02

On motion and second by Comms. Stephen Shapiro and William
Wilson the Commission moved Item 4.1 up to the top of the agenda.
Vote was unanimous. Comm. William Wilson requested to see a
copy of the deed. City Attorney Trina Solecki read relevant pro-
visions from the deed restricting future use to municipal uses into
the record. Comm. George Lapadula commented. Comm. Andrew
Rak questioned a public park. Comm. James Fortuna questioned
how the State acquired this property. City Attorney Trina Solecki
responded that there were offers to deed from Wadsworth to the
State. On motion and second by Comms. Carl Bolz and George
Lapadula the Commission tabled a request for G.S. 8-24 Review
for demolition of the former Court House building located at
265 deKoven Drive. Vote was unanimous. Applicant/agent City
of Middletown Public Works Department/Salvatore C. Fazzino,
Director

ITEM 4.1
TABLED A REQUEST
FOR G.S. 8-24 RE-
VIEW FOR DEMO-
LITION OF THE
COURT HOUSE
BUILDING LOCATED
AT 265 DEKOVEN
DRIVE

On motion and second by Comms. Stephen Shapiro and William
Wilson the Commission returned to the public hearing items. Vote

ITEM 2b.2
GRANTED A

was unanimous. Comm. George Lapadula questioned the sending of certified letters. William Warner responded that the notice was complete. T. Hibbard explained the proposal for the adaptive historic re-use and displayed elevations and floor plans for an artist studio. Comm. Carl Bolz questioned the Police and Health Departmental comments. T. Hibbard responded. Comm. George Lapadula questioned the adaptive historic re-use. William Warner responded to Section 44.08.26 of the Zoning Code. Lee Godburn submitted the Health Departmental comment and the Design Review Board's letter of support into the record. Comm. Andrew Rak questioned the Fire Departmental comment. William Warner and T. Hibbard responded. Comm. Andrew Rak questioned future uses. Lee Godburn responded on apartments and a salon. A motion to grant a Special Exception for an adaptive historic re-use to convert an existing business to a new use as a residence/business at 53 Warwick Street was made by Comm. Carl Bolz and seconded by Comm. James Fortuna. The motion passed with Comms. Stephen Gadowski, James Fortuna, Andrew Rak, William Wilson, John Pieper in favor and Comm. George Lapadula opposed. Applicant/agent Lee Godburn SE2001-8

SPECIAL EXCEP-
TION FOR AN
ADAPTIVE HIS-
TORIC RE-USE
TO CONVERT AN
EXISTING
BUSINESS TO A
NEW USE AS A
RESIDENCE/
BUSINESS AT
53 WARWICK
STREET

On motion and second by Comms. George Lapadula and Stephen Shapiro the Commission continued the public hearing for proposed amendments to Section 55.01 of the Zoning Code and Section 2.05 of the Subdivision Regulations Site Plan Review Approval Requirement until the meeting of February 13, 2002. Vote was unanimous. Proponent PCD Dept. Z2001-

ITEM 2b.3
CONTINUED P.H.
FOR PROPOSED
AMENDMENTS TO
SECTION 55.01 OF
THE ZONING CODE
AND SECTION 2.05
OF THE SUB-
DIVISION REGULA-
TIONS SITE PLAN
REVIEW APPROVAL
REQUIREMENT

William Corvo opened the presentation. L. Golden asked the Commission to discuss what they felt about the site walk for the record. From the public, D. Bauer commented on air pollution, inversion in this area and the need for a more detailed review. K. Winston commented on need and benefit of oil supply and gas supply. Ellen Lukens commented on the life expectancy of the use and read a letter of opposition from Jane Brawerman into the record. Ellen Lukens commented on Section 15 of the Zoning Code, air quality, burning of fossil fuels, the use of ammonia to reduce nox emissions and emphasized the need to consider public health. V. Maruffi read a statement from Ken Humphrey regarding air quality into the record. C. Joell commented on the Connecticut Watershed Council, a water diversion permit, dry cooling, and a future water company. M. Lansie commented on air pollution and the need to reduce, not add to air pollution. Linda Bowers read a prepared statement indicating she is opposed to any development, the need for a plant, an inadequate plan, tax implications, site plan reviews and

ITEM 2b.4
CONTINUED P.H.
FOR LOCATION
APPROVAL FOR
A PROPOSED
ELECTRIC
GENERATING
FACILITY TO BE
LOCATED AT THE
FORMER FELDSPAR
SITE ON RIVER
ROAD

construction bonds. Katchen Coley summarized unanswered questions and quoted from relevant statutes. M. Ennis commented on the beauty of the Maromas area and asked the Commission to consider the benefit to Middletown versus the loss of a wilderness area. Earle Roberts feels too many questions still exist and commented on the previous controversy, the water supply, air quality, air inversions, the future of NRG may not cause noise and feels there is a need for the best plant reclamation criteria. The proponents' rebuttal: William Corvo commented and presented the consultant team. L. Golden explained the statutory requirements and the completeness of the record. He indicated that the Commission is not the Department of Environmental Protection and does not need to be experts in air emissions or water diversions. L. Golden stated that expert testimony has been presented to the Commission, which cannot be disregarded if not rebutted by an expert. R. Audet explained the expert team. R. Thorson commented on air quality and spoke at length regarding air quality benefits. R. Audet indicated that a complete Siting Council application will be submitted to the Council and the Planning and Zoning Commission. M. Slade commented on the City and Department of Environmental Protection standards and indicated that the closet residential receptors will be at .47 dba. R. Audet commented on oil delivery, extending the pipeline from the treatment plant, ammonia storage and distributed a chemical storage list. A. Boyd commented on visibility and used a plan to display stack visibility. Comm. Andrew Rak questioned logging and a balloon test. William Corvo responded. M. Slade responded to the balloon test and indicated that it will be done with the Siting Council. Discussion ensued on noise, the need for site visits and the stipulation that they will meet or exceed all standards at 51 dba. Discussion continued on the balloon test with the Siting Council. A. Boyd continued on water runoff from fire and drainage. R. Audet continued on public need and benefit. G. Stern commented on the need and effects on other plants and the NPG plant. Comm. Andrew Rak questioned the power needs for the state. William Corvo commented on the future development of the Maromas area and the water supply company. Comm. John Voli questioned electromagnetic fields. Comm. Carl Bolz questioned the water source, noise levels and fuel oil use. Comm. Stephen Gadowski suggested a subcommittee of Comms. William Wilson, Andrew Rak and Carl Bolz to visit a gas plant. On motion and second by Comms. George Lapadula and James Fortuna the Commission continued the public hearing for location approval for a proposed electric generating facility to be located at the former Feldspar site on River Road. Vote was unanimous. Applicant/agent Kleen Energy Systems, LLC

A motion to table a proposed Special Exception for a

ITEM 2b.5

farm market/green house to be located on the westerly side of South Main Street at the intersection with Brush Hill Road until the meeting of February 27, 2002. Vote was unanimous. Applicant/agent Brock's Farm Market, LLC/Conklin & Soroka, Inc. SE2001-9

TABLED A PROPOSED SPECIAL EXCEPTION FOR A FARM MARKET/GREEN HOUSE TO BE LOCATED ON THE WESTERLY SIDE OF SOUTH MAIN STREET AT THE INTERSECTION WITH BRUSH HILL ROAD UNTIL 2/27/02

William Warner explained the benefits of the proposal. On motion and second by Comms. James Fortuna and George Lapadula the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. Andrew Rak and George Lapadula the Commission adopted a Zoning Code text amendment to modify Section 48.07(O) Sign Prohibitions and General Requirements with an effective date of February 13, 2002. Vote was unanimous. Proponent PCD Dept. Z2001-

ITEM 2b.6
ADOPTED A ZONING CODE TEXT AMENDMENT TO MODIFY SECTION 48.07(O) SIGN PROHIBITIONS AND GENERAL REQUIREMENTS

William Warner explained the benefits of eliminating the package store. Comm. George Lapadula spoke in support. On motion and second by Comms. George Lapadula and Andrew Rak the Commission approved a request to change the use of the former Hillside Package Store located at 453-455 East Main Street to a new use as a home improvement office. Vote was unanimous. Applicant/agent Affordable Quality Home Improvement, LLC/Todd Mester SE2000-6

ITEM 3.1
APPROVED A REQUEST TO CHANGE THE USE OF THE FORMER HILLSIDE PACKAGE STORE LOCATED AT 453-455 EAST MAIN STREET TO A NEW USE AS A HOME IMPROVEMENT OFFICE

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

ITEM 3.2
TABLED A REQUEST FOR RELEASE OF THE CASH BOND FOR THE WOODS AT WESTFIELD HILLS SUBDIVISION

On motion and second by Comms. George Lapadula and Andrew Rak the Commission granted final approval of the Pinehurst at Pistol Creek Subdivision located off Atkins Street with the condition that: 1) all departmental comments be addressed; and 2) a cash bond in the amount of \$102,000 be posted. Vote was unanimous. Applicant/agent 1-6 Pinehurst Associates, LLC S2000-12

ITEM 3.3
GRANTED FINAL APPROVAL OF THE PINEHURST AT PISTOL CREEK SUBDIVISION LOCATED OFF ATKINS STREET

On motion and second by Comms. Carl Bolz and William Wilson the Commission scheduled a public hearing date of February 27, 2002 for a proposed seventeen (17) lot re-subdivision of the property of Grace K. Harmon, Marion K. Seifert and Isabel K. Wimler located on the southerly side of Kelsey Street across from Paterson Drive to be known as Orchard Hill Estates. Vote was unanimous. Applicant/agent Howard Carlson/Christopher G. Bell S2002-1

ITEM 4.2
SCHEDULED P.H.
2/27/02 FOR A
PROPOSED
SEVENTEEN
LOT RESUB-
DIVISION OF THE
PROPERTY OF
GRACE K. HAR-
MON, MARION K.
SEIFERT AND
ISABEL K. WIM-
LER LOCATED ON
THE SOUTHERLY
SIDE OF KELSEY
STREET ACROSS
FROM PATERSON
DRIVE TO BE
KNOWN AS
ORCHARD HILL
ESTATES

On motion and second by Comms. George Lapadula and Andrew Rak the Commission tabled a proposed Site Plan Review to construct a community building at the St. Francis of Assisi Church located at 10 Elm Street. Vote was unanimous. Applicant/agent St. Francis of Assisi Church Corp./Hallisey, Pearson & Cassidy SPR2002-4

ITEM 4.3
TABLED A PRO-
POSED SITE PLAN
REVIEW TO CON-
STRUCT A COM-
MUNITY BUILD-
ING AT THE ST.
FRANCIS OF
ASSISI CHURCH
LOCATED AT 10
ELM STREET

On motion and second by Comms. Carl Bolz and George Lapadula the Commission scheduled a public hearing date of February 27, 2002 for a proposed two (2) lot resubdivision of the property of Robin Caso Borent and Greg Borent located on east side of Chamberlain Road across from the intersection with Chauncey Road to be known as Valley Vista. Vote was unanimous. Applicant/agent Robin Caso Borent and Greg Borent S2002-

ITEM 4.4
SCHEDULED P.H.
2/27/02 FOR A
PROPOSED TWO
LOT RESUB-
DIVISION OF THE
PROPERTY OF
ROBIN CASO
BORENT AND GREG
BORENT LOCATED
ON THE EAST SIDE
OF CHAMBERLAIN
ROAD ACROSS FROM
THE INTERSECTION
WITH CHAUNCEY
ROAD TO BE KNOWN
AS VALLEY VISTA

On motion and second by Comms. William Wilson and James Fortuna the Commission approved the minutes of the January 9, 2002 meeting. Vote was unanimous.

ITEM 5.1
APPROVED THE
MINUTES OF

PLANNING AND ZONING COMMISSION REGULAR MEETING JANUARY 23, 2002, 7:00 P.M. PAGE
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There was no ZEO report.

There was no discussion.

A motion to adjourn at 9:30 p.m. was made by Comm. George Lapadula and seconded by Comm. Andrew Rak. Vote was un-animous.

Respectfully submitted,

William Warner, AICP
Director of Planning, Conservation and Development

THE 1/9/02 MEETING

ITEM 5.2
ZEO REPORT

ITEM 6
DISCUSSION
WITH PUBLIC

ITEM 7
ADJOURNMENT