

53

Item #9, Proposed 20 lot subdivision located on East Ridge Road in an R-1 zone. Applicant/agent Louis A. Carta.

Attorney James Ripper:

Mr. Chairman, members of the Commission, I am Attorney James Ripper, Rocky Hill. With me this evening is Rob Hewitt he is a Consulting Engineer who has been responsible for the engineering and land design on this parcel. This is a blow up of the assessors map. The subject parcel is outlined in green, it is on the east side of East Ridge Road, westerly of the lots that come in from Fowler, north of Deerfield Street. There is school property, which is the Winter's property, singlefamily residence and this property is owned by the town of Middletown. There is a school here, I think this is essentially undisturbed land. I show you this not only to identify it but also to have the Commission be cognitive of the sizes of the lots in that vicinity, because this is again a situation under your 21.07 infilling regulation. This is the development of the parcel itself. Actually where going under the guideline 21.07. The frontages and the lot areas could be reduce even more than this and still be consistent with that regulation. Rather than do that, we are trying to enhance the neighborhood, rather than maximizing the land development. I think all of these lots have at least 80 feet frontages rather than 55 frontages that could be. We have appeared before the Inland/Wetland Commission. It is not shown on this map, there is a pond in this area. We appeared before the Inland/Wetland Commission and have received permission to fill that pond in. This, the filling of that pond is integral to the development of the land and also to solve drainage problems that exist in that area. It affects property owners to the east, essentially people on Fowler on back of Deerfield. We have met with the property owners in that area, we've recognized there problems and addressed them and obtained easements through this area going down connecting with Fowler and it takes the water off you know your normal drainage system. It realizes flooding conditions, ponding conditions that they've had on their properties. Those easements, we've checked with the town staff, those easements are consistent in form as the easements of which the town obtains. So when this roadway is conveyed the easements of course will be conveyed with it you know to the Municipality. The staff comments, this plan before you, and the reason that there is a limited number of plans is what you are seeing on the plan now is a plan that was revised to respond to staff comments. The initial plan had a 24 foot wide road, that road way is now expanded to 28 feet. The reason and the rationale for the 24 foot roadway was that, that was what was consistent with all the other roadways in that area on Deerfield, I believe, Fowler. The town staff recommended that it be 28 and we have complied with that request. There is some additional information required, but I think it was Water and Sewer, we've provided that, it is my understanding that everyone is satisfied after they've reviewed that additional information. I am not sure which staff member it was that was concerned about the availability of water. In fact water is available coming down from the north to service this roadway. A question came up of water pressure. It became clear in the context of the conversation that it was the Town's desire for us to connect the water down to junction at Deerfield Street. We have agreed to do that. There is a note to that effect on the map. Give me a moment just to check and see if I have any other comments that I want to bring out at this time. I would point out to the Commission that a sidewalk does exist on the frontage of East Ridge Road and this is designed and the sidewalks are on both sides of the street. It is to accomodate the people that will reside in that area. That essentially concludes the comments, Rob do you have anything that

Attorney James Ripper (continued):
you want to add from a land design stand point?

Rob Hewitt:

Just that the property is served by Public Sanitary Sewers. The drainage plan that we've devised includes a provision to drain property to the west of East Rigde Road where there is presently a semi wet area. The culvert we will be extending the drainage in that area to drain that out and as Mr. Ripper has noted we are proposing to construct an entirely new drainage system down on Fowler Avenue.

Attorney James Ripper:

If any members of the Commission or the public has any questions we would entertain them.

Chairman Gionfriddo:
Commissioner Leinwand.

Commissioner Leinwand:

George, some to you and some to Jack, let me understand this. We are in an R-1 zone. Normally in R-1 zones we talk about 15,000 sq. ft. per lot and 100 feet of frontage. Jack you are claiming that this falls under 21.07, is that the right number?

Attorney James Ripper:
Yes.

Commissioner Leinwand:
Can I read that to you?

Attorney James Ripper:
Sure.

Commissioner Leinwand:
New subdivisions along existing City streets may be approved....have we've changed that?

George Reif:
Yes.

Attorney James Ripper:

I have looked at that Mr. Leinwand, I was dealing very honestly under an old copy of the regulations and when I reviewed the plan with the engineer I said, hey what is going on. The Commission did act and now has applied that infilling to achieve that intent of the infilling regulation and not just limiting it to frontage on existing streets.

Commissioner Leinwand:
Can you read it please?

George Reif:

Yes, new lots to be used for single family dwellings may be established by the Commission with less frontage and area than required in the zone if within 1000 feet of existing legal lots that were established prior to 1982, provided the new lot have 1) at least 50 feet of street frontage and 7500 square foot of area, 2) are served by City water and sewer or meet the Department of Health requirements for onsite water and sewer systems and side yard widths shall not be less than 10 percent of the lot frontage.

Commissioner Leinwand:

But all of that is a special exception?

George Reif:

No, it is not a special exception. If you, you; as a Commission you have the right to approve....

Commissioner Leinwand:

We have the right to do that? We do not have to do that? Let me ask a question to help you justify it, okay. I was here the night that we wrote that and I honestly believe very much in it. You've heard their proposals that Mr. Jackowiak brought forth tonight, two of which are going through under that particular proposal because it creates additional housing opportunities in appropriate neighborhoods. It is an exception. I sense that it becomes a major loophole when it is used in a major new subdivision like this where all twenty lots are under the 15,000 square feet and all are less than a 100 feet of frontage, the question I ask is, why do we even bother to maintain a regulation that says 15,000 square feet and a 100 feet of frontage.

Attorney Ripper:

I think that you may be missing the point as far as the infilling regulation and the desirability from a planning stand point of having an infilling regulation is that you don't make, you don't apply regulations to a particular piece of land once the neighborhood has been defined and the reason for this is that marketing conditions usually prevails. This piece in all honesty is not economical that desirable to develop under your existing regulations, but for an infilling requirement. It really does not take away from anybody in that neighborhood because there are houses that are consistent with it. In other words if it was a situation where, where the Commission I think have an option to make a decision is, is this in fact an area in which most of the other houses are the same square footage and the same frontage. As a matter of fact I think if you'd compare it lot by lot we would exceed anything that is there. You will notice that south of Fowler that some of these lots are deeper, if you take a look at those on the assessors map. The reason that they are deeper is a topographic stand point. You got a severe drop-off.

George Reif:

Could you hold up your board again? They started with the answer that you are looking for now and maybe if he could just recap what he started with you'll, it will make more sense than it did at the beginning.

Attorney Ripper:

In other words you got very small lots in this whole area, the only ones that I think that would be even more square footage than what we are proposing are these on Fowler. If you are ever on the site you would see that there is a very severe drop and that is why they got additional depth in my opinion, very little other reason.

Commissioner Leinwand:

How big is that whole road along Deerfield?

Attorney Ripper:

Along Deerfield, I am just going to read off the dimensions, 65, 50, 75, 75, 50, 75, 50, 50, there is one that gets....

Commissioner Leinwand:

But they are all under 10,000 square feet essentially.

George Reif:

If I may say something, another solution would, or another question would be why is this area zoned R-1 and of course that is something that we have been

George Reif (continued):
talking about too, maybe it shouldn't be but.....

Commissioner Leinwand:
Yes, that is very helpful.

Attorney Ripper:
In response to your regulation you know, whether you should have or not have it, very honestly I haven't been doing that much work in Middletown and I find that your regulations are very responsive to the need. It is, and I don't mean just pro development either, I mean if it's a situation where this is, this is the most logical regulation in application that can be there, because it is fair to someone that is developing land and it is fair to those people around it. There is no way that you can use this infilling if in fact you were creating something that was significantly different from what is there now. I think that it is a very forward looking regulation.

Chairman Gionfriddo:
Thank you. Any other questions members of the Commission, if not thank you. Any members of the public here this evening wishing to speak in favor of this proposal. Are you interested in speaking sir? Okay.

William Ranno:
My name is William Ranno and I live on the west side of Fowler Avenue and the developer did approach me and the neighbors on that side because we are affected by the pond water and the surface water that comes off of that property towards Fowler Avenue. Living there since 1965 we have approximately 1,000 gallons per minute flowing constantly throughout the year except maybe like weather like now where it is very frozen up. The meeting that we had with the developer was such that he showed us how the property was going to be developed before Inland/Wetland, we all agreed, signed an easement for him to go across the property and we are in favor of it. The only thing that came up from one neighbor who is not here tonight because he works second shift, is that the dropoff on the back that you see on the map from the land to Fowler Avenue. They were concerned about safety or garbage or whatever could be thrown over the bank. They requested that something, that the developer put up some kind of barrier or whatever, I don't know if that comes before the Commission or not. I was told to ask that question for safety reasons for other reasons, whatever.

Chairman Gionfriddo:
What are you talking about, a fence?

William Ranno:
Yes, a fence, whatever. I was told to ask that question or we could take it up at another time. As far as the other thing that came up, and I have to ask this question on behalf of my neighbors is, we were told that there would be 12 to 15 houses in the area. I am listening tonight that there will be about 20 houses in the area. I don't think that it is fair for me to be here and give my approval and go back to my neighbors and tell them that there is going to be 20 houses because they are not here and we were meeting at one time thinking that there were 12 to 15 houses, and now I am hearing 20 houses. We respect the Commissions intelligence as far as what lot sizes, and what etc. etc. suppose to be. That is all that I have to say. Other than that we are in favor of the development of the land. Thank you.

Chairman Gionfriddo:
Okay, thank you. Anyone else wishing to speak in favor of the proposal? Anyone wishing to speak in opposition to the proposal?

Bob Lowe:

First of all my name is Bob Lowe and I live at 20 Deerfield Avenue. These two gentlemen who proposed those maps to you, and the public couldn't see anything. We don't even know what you are talking about, they were talking to you and not us. I am sure that we are still in the dark. He said that they had approval from Inland/Wetland to fill in the pond. I object to filling in the pond and I would like to have a chance to talk to Inland/Wetland and find out just what criteria they used to give people permission to fill in a pond. I don't think that it was brought up but on the west side and the north side of this property the lots are not 50 by 100 and small lots, they are large lots. So actually only half of this surroundings is small lots and they want to build more smaller lots, why don't they take into consideration the large lots on the west side and the north side and build bigger lots if they are going to build houses. This is all for right now that I can think of to say.

Chairman Gionfriddo:

I will just respond as far as the..., I am a member of the Inland/Wetland agency as is Commissioner Leinwand, Bill are you a member too, and Commissioner Pillarella. I guess the reason the permission was given, as in reality when we had the soil surveyed and everything else, we looked at the pond and it really turned out not to be a pond or a wetland, okay. That was the analysis that was given to us and it wouldn't be in anyway damaging any of the wetlands that we were constituted to protect. Okay, it is not a significant wetland and that is why the permission was given to fill it in. Okay.

Bob Lowe:

I can show you pictures of ducks, geese, herrings, muskrats, turtles, frogs and fish. Now what makes up a Wetlands? A puddle? I mean that this is a pond, a true sense of a pond. If anything, I would like and I know that the other people here agree, would like permission to talk to Inland/Wetland because we are against filling in the pond. I am against the houses, but I don't believe that I can stop a man from building houses on his property. We would like the time to join up and get a chance to talk to Inland/Wetlands. We would like to save the pond.

Chairman Gionfriddo:

The only thing that I am going to tell you, is that we had a public hearing and....

Bob Lowe:

The public hearing was brought forth because people went to neighbors who wanted this perhaps, because the water was draining down their property and they were personally approached and asked to come to it. We didn't know anything about it. My back yard, the pond is right in my back yard, we didn't know anything about it.

Commissioner Leinwand:

That is the best reason I've yet heard for why our new ordinance to post things with signs is the best thing that we could of possibly done.

(audience applauds loudly)

Bob Lowe:

You can hide things in the newspaper.

Chairman Gionfriddo:

I am not going to tell you that you can not come to the next Inland/Wetlands meeting and raise your concerns, all I am going to tell you is that the permit is already issued, okay, and I would be extremely doubtful at this point that the Inland/Wetland Agency is going to reverse this based on the

Chairman Gionfriddo:

fact that the permit has been issued after a legally called public hearing. I understand your frustration in a sense that the Inland/Wetland Agency doesn't have a sign regulation like we do and you may not have read the legal notices and saw that a public hearing was going to take place. But I think unfortunately you are just going to have to accept the fact that the Inland/Wetland permit has been issued and we are going to have to deal with it here. That doesn't mean that we can not deal with the issue, okay. Commissioner Leinwand.

Commissioner Leinwand:

Mr. Lowe, you spoke about the lots on the north side?

Bob Lowe:

North side, yes Mr. Winters, big lot.

Commissioner Leinwand:

Then the school?

Bob Lowe:

The school, on the west side on the other side of East Ridge Road, very large lots. Alright, no one is looking at those, they are just looking at our little lots and the bigger lots on Fowler Avenue and they are saying that these are small lots and we want to build small lots here so that they can sell more houses. I don't want you know, a bunch of little chicken coops out in back of my house.

Commissioner Leinwand:

Can I ask you, this map seems to say that your lot is about 65 feet wide?

Bob Lowe:

That is right.

Commissioner Leinwand:

And 100 feet deep?

Bob Lowe:

Yes.

Commissioner Leinwand:

Okay, then so that is fine. You have a legitimate right to that 6500 foot lot, but it seems to me that this map says that the people in your back yard, one will have 9,600 square feet, lot 17 is 12,126.

Bob Lowe:

Why were we told then there were going to be 12 houses there, now there are 20

Commissioner Leinwand:

That is a legitimate question. That is different from the issue of whether or not that is a legitimate lot size.

Bob Lowe:

Well, it is probably legitimate here on paper but it is not going to look to nice to have 20 houses instead of 12. You don't live there you know, you don't go by there and you don't think about it. We think about it, we see it everyday.

Chairman Gionfriddo:

I live there and I go by there and I think about it.

Bob Lowe:

So, we would still like to know if we could have permission to have time to talk to the Inland/Wetlands?

Chairman Gionfriddo:

Let's put it this way, I don't think this proposal is going to be approved this evening. There will be another Inland/Wetlands meeting before the next public, before the next Planning and Zoning meeting. You can approach Inland/Wetlands, but I can probably rest assure or tell you this evening that they are not going to revoke their permit. I am not going to tell you that you can not go there.

Commissioner Leinwand:

Can I just make sure, your two major concerns if I hear you is, one the pond, the wetlands area, you question the whole development. But also the twenty versus twelve? If this came back and it was twelve units and the road still was there and the pond had disappeared, would you still be against it?

Bob Lowe:

I would be against it, yes I would.

Chairman Gionfriddo:

Thank you.

Bruce Spaman:

Yes, my name is Bruce Spaman and I live at 16 Deerfield Avenue. Good evening members of the Middletown Planning and Zoning Commission. I have a few comments prepared here. I am here to express my concern and my neighbors' concern over the impact of the proposed subdivision on East Ridge Road. We are not here to oppose the subdivision or limit progress, but to be certain that the proposal has addressed all of the ramifications to the neighborhood and the community. It is my belief that there will be a significant impact or major effect which will cause a reduction of the natural capacity of this area to support desirable biological life and function effectively, to function effectively as a component of the total wetlands ecosystem. Upon my brief inspection of the Inland/Wetlands public hearing minutes the concerns of the developers seem to be only for engineering and drainage considerations which are only one-half the spirit of the Inland/Wetlands agency regulations. As a professional concerned with conservation of management of public and private properties, I am disappointed with the lack of consideration given to this matter. Fresh water wetlands are all to often reviewed as waste areas to be drained and filled and their natural values has gone unrecognized. As a casual yet interested observer of this particular wetland I've seen a native walleye population that one might find surprising for a suburban area. This pond can be called home to two species of Frogs, four species of Turtles, Bull Head Fish, and the only breeding area around for Reptiles such as Toads and Garter Snakes. This pond is frequently visited by migrating ducks in the Spring and Fall. King Fishes in the morning and evening and occasionally by Egrets and Great Blue Herons. This may not sound like much to some but who is to say that the systematic destruction of these areas, one by one, won't have an adverse effect in the long run and deny the next residents of this community an opportunity to see this. It just seems to me that a more responsible plan would have designed a rich natural area such as this into a subdivision rather than destroy it to create a few more lots. I would also like to object to the requirements for notification of these hearings. I am often require to send certified letters to all adjoining land owners for similar hearings to make certain that they are given the opportunity to voice their opinions and concerns over my work, which involves improvement of wild life habitats and responsible management of woodland properties. Thank you.

Chairman Gionfriddo:

Okay, I just wanted to tell you that the state statutes required only legal notice publication in the newspaper. We have taken a step that was much debated here to require the posting of signs and I think that that was a big step forward as indicated by the number of people who are here this evening on a couple of the issues. I sense from the number of people here on this issue that they were not aware of an Inland/Wetlands hearing. The sign regulation is a more than ample requirement as far as notification is concerned and I know that the Commission has debated sending certified letters and I know that there is no support for that. I think the sign regulation is a good one and your presence and a lot of people's presence here this evening is ample testimony to that.

Bruce Spaman:

Let's take, let me take a look at some other area towns that even the Midstate Regional Planning Agency has actually consulted with. They have adopted recommendations where certified letters are sent for, like I said for matters much less than this.

Chairman Gionfriddo:

I am just telling you what the reality is. The reality is certified letters are not going to get through here. It took a tough enough struggle for us to get signs and right now it is only on a temporary basis. It is going to be reviewed again in April so, okay. Anyone else?

MaryAnn Herd:

I am MaryAnn Herd and I live on Deerfield Avenue. I really feel terrible about this whole thing. I work in Higganum and they do everything in their power to keep the country there. We have a little bit of country and they are trying to take it away from us.

Chairman Gionfriddo:

Thank you.

Bob Herd:

My name is Bob Herd and I live on Deerfield Avenue along with my wife MaryAnn. I would just like to be very short because I know that you have had a very long night. Most of what I had to say is written down and you've already heard. I do have a couple of concerns other than the pond. The pond being number one, uppermost in my mind. Number two, the number of houses relative to the 20 there and the 12 that we had heard about before. The one prime mover that I haven't heard from anybody tonight and anyone that I talked to surprise me and that is the fact that you are going to have a heavy increase in traffic of automobiles in that area and that school is going to be within I would say a 100 feet of that 28 foot road. I would be very concerned with that. My concern coming here tonight were the sizes of the houses, the number of houses that are going to be built and the size of the lots. I was concerned with the approximate selling price of the house. Of course you'd be concerned about the impact on your own property. But the main concern and the one in most of our minds is the pond drainage. We do question the wetlands agency and its decision to fill the pond in. I will call it a pond because I don't think that the definition that they are using is the correct one. I would like for them to redefine the pond. I would like them not to fill the pond in. I would be willing to go along with this whole thing and not complain at all if there were 12 houses and a pond on that subdivision. Thank you.

Chairman Gionfriddo:

Thank you. Anyone else?

Walter Dreher:

Walter Dreher of 67 Sunnyslope Drive. I would like to address the issue of the water that a previous speaker alluded to and the thousand gallons of water, you know. Where is all that water going to go? We know that there is more water than the 1,000 gallons going down Fowler Avenue and into Sumner Brook. We know now in the city that Sumner Brook does have a problem. When this water backs up it is going to back up further into Sumner Brook across Randolph Road, again where there is a problem. It is still the same brook. We should have learned from another developer who did add some water, a great deal of water to the system along Millbrook Road if we have another developer to add this straight amount of water again to this brook, we are going to have a saturation point that we can't turn back on. This water is going to destroy a lot of the property that is on the south side of the brook, on the south side of Randolph Road. Unless the city takes steps to alleviate the problem at Rubber Pond in short order, there will be no place for the water to go. It is always going to be backing up. It will never have a chance to recede. Commissioner Leinwand pointed out one big flaw in this development, that we are looking for 20 exceptions and I think that that was a very good point of his to bring out. 20 different exceptions. We are not talking about a street that is non-developed. When we look at this we are looking at a whole development of exceptions and that is where we should start looking real hard and start contemplating on following the rules under R-1. If this is going to be an R-1 zone it should be adhered to. Also the pond that is on the area, I wonder how many of these houses are planned on top of this pond that exists here, right now. I was wondering if the developer cared to answer that question. How many houses they plan to build on top of that pond after it is filled in?

Chairman Gionfriddo:

Thank you Walter. Anyone else wishing to speak?

William Hasting:

My name is William Hasting and I live at 46 Deerfield Avenue. I am here to voice my objection for filling in the pond along with my other neighbors. I don't know how they are going to get rid of the water. We have always had a water flow through that pond. Where is it going to go. I know the gentleman that came up here, he said that he talk to some people before he approached you people. As far as I know he didn't approach anybody on Deerfield Avenue. Nobody. All of our properties abuts up against this parcel here, and he didn't approach us. I am not objectionable to development of the area. If 12 houses is going to be put in there, fine, you know, I don't, as Mr. Lowe said, that is their property, fine. By the same token that pond has been there for, I don't know how long and I know that everybody enjoys it and I think that it should remain. Thank you.

Chairman Gionfriddo:

Thank you. Anyone else?

Sal Marino:

My name is Sal Marino and I live at 1240 Ridge Road. I own this land that we are discussing. I have owned it for 15 years and I have kept it clean and I worked it. At this stage of life I would like to see it developed. I liked the developer's presentation and I think it would enhance the property surrounding it. As far as the pond goes, it is not a pond. There is a dam on my land and if I opened it up tomorrow the two feet of water which they call a pond would be dry. As far as living animals and fish in there, there are batteries and motors and condensers that the neighbors have thrown in. I have tried to clean the pond out, I can't, the so called pond. If the

Sal Marino (continued):

neighbors want, they can come and help me clean the pond up.

Chairman Gionfriddo:

We are not taking a vote. The only thing that I am going to say is that that is the information that was presented to us at Inland/Wetlands, that this is not a pond quote unquote "pond" as far as Inland/Wetlands regulations is concerned, okay. It is not an environmentally protected area, okay.

William Ranno:

Can I say one more thing?

Chairman Gionfriddo:

Certainly. Do you want to give your name again?

William Ranno:

William Ranno, Fowler Avenue Middletown. We were before Inland/Wetlands twice with the group of people that were notified that we thought were affected more so by the pond when the developer approached us. Our apologies to the people on Deerfield. We did contact a few, such as Mr. Siena and his next-door neighbor and the neighbor, a Mr. Winters, a name that I heard here tonight was approached.

Opposing neighbors:

He doesn't live on Deerfield.

(Chairman Gionfriddo uses his gavel to restore order.)

William Ranno:

Adjacent to it somehow, or he owned the property or something. But when I moved in in '65 we did a little history on the pond because I was mostly effected by the flow in my direct path. We found out that it was a manmade pond, it was governed by Russell Company at the time for water right usage or whatever factory needs that they needed at the time. It was not under anybody control, it was just free flowing. As Mr. Marino says, there is a dam there and if he opens it up, it is dried. It is a mess. It is hazardous to the people on Fowler Avenue. That is why we are pleased that Inland/Wetlands gave the permit. And we appreciate that. Thank you.

Chairman Gionfriddo:

Anyone else?

Thomas Dudeck:

My name is Thomas Dudeck, I live at 78 East Ridge Road, I own property there. One thing that I haven't heard anyone speak about tonight is the traffic problem that I think might be caused by this development with respect to the intersection of East Ridge Road and Ridge Road. Anyone who has driven down that street which angles off of East Ridge Road knows that there is a very very narrow street there. I am concerned that the radius, the turning radius out of this street that is going to be constructed is going to present a safety problem for people coming out of that street. I am just wondering whether the individuals of traffic and safety or whomever, have taken a look at that to see whether there is in fact some sort of safety problem. I think there is a safety problem now. I am just concerned that the proximity of this new street to the intersection of East Ridge Road and Ridge Road is going to present even a more unsafe problem. If someone has taken a look at that I would like to here what they have to say.

Chairman Gionfriddo:

Okay, George from my notation on your little chart here it says, 2.9, 20 lot subdivision, under the police column it says, o.k. I guess that they had no

Chairman Gionfriddo (continued):
objections, right?

George Reif:
Right.

Chairman Gionfriddo:
The police would have checked the subdivision for possible traffic problems that they would have envisaged. They saw no problem. Sal did you, does Public Works look at turning radius etc. as far as this is concerned? Is that something that you would have examined?

Sal Fazzino:
It is shown here, and I am certain that a school bus or what we call a single unit vehicle and oil truck would have no problem of making the turns in and out of what is proposed as a new street.

Thomas Dudeck:
You see what I am concerned about is the fact that these individuals are veering off of Ridge Road onto East Ridge Road and what you have is a very very narrow area of the street, in between the school and the white house on the corner that sort of faces out. Anyone who is making a right hand turn onto East Ridge Road from this proposed subdivision, it seems to me that they are going to have a difficult time keeping in their lane there. Anyone who made be speeding, which I am afraid happens frequently there, you may end up with a few head on collisions. It is a very very narrow area. It is dangerous now and I am just concerned that the radius there is not going to be sufficient for someone to see these cars veering off of Ridge Road. I just hope that someone takes a hard look at that before they approve the subdivision. Thank you.

Chairman Gionfriddo:
Thank you very much, anyone else?

Sheila Stoane:
Sheila Stoane, 435 Kelsey Street. Mr. Fazzino how wide is East Ridge Road?

Sal Fazzino:
I don't know, I didn't come prepared to answer that question.

Sheila Stoane:
Okay.

Chairman Gionfriddo:
I was just going to say, let's not sit there and chuckle because I am sure that I could ask you a lot of questions about the widths of your own back yards and you probably don't know them all either. I am sure that if that is a question that people need to have answer, the Director of Public Works could easily come up with the information.

Sheila Stoane:
Well, what I am really concerned with is something that Mr. Leinwand brought up at the very beginning and I would like to ask you gentlemen to settle among yourselves as to whether or not the regulations that this subdivision would be going in under, was meant for a subdivision or was your original intent to let in the infilling of 2, 3 or 4 houses, not a total subdivision. Thank you.

Chairman Gionfriddo:
Obviously in voting on this item, that is something that we are going to have to come to a conclusion on. Anyone else wishing to speak?

Herbert Stielau:

My name is Herbert Steilau and I live at 112 East Ridge Road the corner of Hillcrest. Hillcrest is one street parallel to Deerfield Avenue. We have experience a great deal of spongy wet surface water in the cellar neighbors as well. It is a very very wet area. I am against the proposal of the change, I have enjoyed this little bit of open spaces we have (tape ends).

Chairman Gionfriddo:

Anyone else?

Bob Stielau:

My name is Bob Stielau, I live at 20 Hillcrest Avenue. I am the oldest kid in the neighborhood. I got to say that because I've many years of experience of playing in the pond area sd a..., during my childhood. I have also watched many homes being built during the years that I have lived in that neighborhood and I have watch the cellars fill up with water in the spring, each neighbor in turn going through their problem with water in the cellar. I am wondering if the people who gave the okay about draining the supposedly dry wetlands ever consider what they would do to the ground surface level water which will raise once they fill in the pond. There was an adequate amount of engineering going..., engineering and thought given to proper serviceable drains in the area of this dry pond. I remember as a kid when we use to ice skate there, you'd always have to be careful of the northwest corner of that pond. You didn't want to get to close to where the springs were. But I think that that constitutes a wetland area if one gives a little more thought to that. I don't really think that the people on the wetlands commission ever walked around there. I think that I could make a willing bet to go there tonight and show you where I could fall through the ice even after this wet weather. Somebody mentioned somewhere along the line, where does all the water go. I would like to remind them that, where does the water come from. This pond forms a natural drainage bowl for the surrounding area that handles the runoff for almost, I would say about 80 or more acres, bounded on the front by Mr. Winters property over as far as Ridge Road on the west and on the south west the entire hill of Farm Hill Cemetery. On the south, the hill peaks out on Hillcrest Avenue to the southeast it now runs down through the yards in the area towards Mr. Herd's property and cross the road where it then starts going down hill through natural drainage ditches. They may have been manmade. I am concerned that if this proposal goes through there seems to be a awful lot of houses planned. I pity the poor person who is going to build in this filled area near the pond, anywhere in that particular area. I really don't feel like denying a person his right to develop the area but I think that there is far too many things planned for this. I think that this may leave the town with a very unusual situation if drains are put in the pond area. I think a lot more engineering has to go into drainage tile and just how it is going to be exited into either the town storm sewer system or Sumner Brook. In any event, I think that the developer should share some of the burden for any problems that may arise that would effect any of the neighbors as far as this increase of the ground water level when and if that pond is filled in. Anyway I am just afraid that as taxpayers we are going to get stuck with a very unusual secondary problem should this particular proposal go through. I could probably say more but there may be some more people that want to say something too.

Chairman Gionfriddo:

Thank you.

Lucille Marino:

My name is Lucille Marino and I am owner of the property with my husband. We have own the property for over 15 years and in this time of our life we

Lucille Marino (continued):

would like to sell it. We have not stop anybody from using the pond. We have been abused over there. We have planted trees, and we have been vandalized. My husband has worked hard in the garden and the kids come along and they use foul language if you say anything to them. These people are all saying the pond and everthing else. We have put a lot of work over there. We have gone through the steps as far as selling the property. We came to you per Inland/Wetlands. We liked the proposal that we were presented with. It was in compliance with your rules and regulations. Now we have all these people coming to the meeting tonight talking about the pond. It is on private property. We have kids coming over there and we are afraid that they are going to fall in, somebody is going to drown. I think that now at this stage of our life, if we have somebody who is willing to come in and put in a nice development, we are going to be right across the street, We will be looking at it and I am sure that we wouldn't want anything that wouldn't fit in with the neighborhood.

Chairman Gionfriddo:

Thank you. Anyone else? Jack do you want to?

Attorney Ripper:

Just a few comments and hopefully I can address those comments that were made by the people in the neighborhood that have spoken. Number one, I share their frustrations about notification but I, all the Commissions, the wetlands commission and this commission, have complied with the regulations as far as notification. I am pleased to see personally, because I do a lot of land development work, that the town has adopted a regulation where the sign will be posted. I personally feel that this is a little bit off of the record, on this application that the sooner you have the public participating in the process, the sooner the best decision is made. I had to stand over on the side and somewhat bite my tongue because I heard comments that number one where irrelevant, number two, where in the jurisdiction of the wetlands commission and not this commission. But in view of the fact that the people did not have an opportunity to appear before that commission, I think that they should have a chance to make their feelings known. First of all, someone had requested a fence. Apparently the people in the back on the easterly side feel that a fence is necessary for, to protect from someone throwing garbage in that area. Number one, we are opposed to putting a fence there. I think that it is setting a dangerous precedent by this Commission to require a fence in a residential area abutting up against another residential area. If this was a commercial area up against a residential or a situation where there is something particularly unique that would encourage people to throw garbage or have some sort of traffic over there, I could see it. But there is obviously nothing because there is a bank in that area. People are not going to be traversing through there. Then you get into the other related question if you do require a fence, who is going to maintain it. Are the people prepared to have that joint responsibility. I would suggest that the Commission stay away from that. The question that came up with regard to the number of lots, 12 lots, 14 lots, 20 lots. The history of this proposal is that when we had signed an option on this piece with the Marinos, your regulations would then allow us to have, I think it was 14 lots and that was essentially what was designed. I verified that with Mr. Hewitt. There were 12 to 14 lots in the initial layout that we were looking at. This Commission then changed its regulations. That came to Mr. Hewitt's attention and he asked me whether we could not develop under that provision. So we talked about that and I came in. Now, prior to approaching, prior to that change is when we had approached the land owners, most seriously affected landowners in that area with regard to obtaining the easement. There is no intention to mislead anybody, at that point that's what we were talking about. Some of

Attorney Ripper (continued):

the people complained that they weren't approached and they have a drainage problem. Well the fact is that anyone developing a piece of land does not go out and invite problems. The more people that you have to get an easement from the more dangerous it is in development of any piece of land. They are being indirectly benefitted by what's been worked out by this developer. We have been very sensitive to the drainage in that area. I would point out to the Commission that your primary interest here is drainage. Those issues with regard to the environmental questions and things like that have already been decided by the Inland/Wetlands Commission. Now the people that have commented with regard to what they feel is the history of the piece, what they feel is the characteristics of the piece, what they think is the soil type, where the water goes, all of these issues were very very thoroughly studied, not only by a soil scientist that we hired, but also by a soil conservation and it was referred to someone else, it went back before the Inland/Wetland Commission, it was referred back for clarification because one of the wetland commissioners thought that there might be some sort of inconsistency in reports. That was resolved and came back and was approved. I don't know the vote, but I think it was virtually unanimous, I can obviously check that in our records. There is no question that this piece is artificially created manmade piece historically. The fact that someone may have lived there and didn't realized that, I can understand. The piece also, when looked in the overall wetlands ecosystem of this community, it is insignificant and I'm not saying that it is insignificant to the people that is living there, and their kids who have played in that area and enjoyed the esthetics of it. It is very important to them, it would have been to me if I lived there. The truth is in regard to Inland/Wetlands it is not significant. That is what the commission, the Inland/Wetlands Commission determined. With regard to traffic there has been a staff review. There are two questions that are coming up, one is traffic control, and the other is traffic capacity. The police has obviously reviewed this and is satisfied with traffic capacity. East Ridge Road can handle the additional traffic from this subdivision. With regard to traffic control that is a police responsibility over which no developer of land has jurisdiction. So if there is a problem with turning radiuses down the street or if there is a problem with people speeding or if there should be additional traffic control signals down the street, that is something that has to be addressed by someone other than the developer who is responsible for what can happen in the immediate area of his parcel. If you step back and look at the issue surrounding this particular piece, the environmental issues have already been handle by Inland/Wetlands and the other opponents are essentially people that are going through the shock of change. Again, I bought a house and the back of my land was developed, I went through that, I knew it was going to be developed when I brought it. I still went through a certain adjustment period, so I know what they are going through. But the fact is that this piece of land, as both Mr. & Mrs. Marino has pointed out, they have had it for fifteen years, people in this country are permitted to develop their land subject to the regulations of the Commission obviously. To some extent and something that you always have to be very very careful of because I have jumped on to what I call the life boat theory of zoning myself, on occassions and realized what I was doing, and I had to back off. We all have a tendency, when we live in a nice area and we enjoy some amenities around us to say, well that is the way it is going to be, that's the way it has to be forever and no one else is entitled to have what we have. The truth is, is the people in that area are living on smaller lots, virtually the whole area, they are living on smaller lots than those that we are proposing. For them to suggest that it is inappropriate to put in 20 lots larger than theirs, I'd have to say that at this moment of time that inadvertently although it may be, they're subscribing to the life boat theory of zoning. I got mine, the hell with everybody else. That is essentially all of the remarks that I have to make. I feel that the

Attorney Ripper (continued):

application is in accordance with the regulations, I think that if ever a piece of land that is made for your infilling requirements, this is certainly it. If this infilling requirement is never, is not applied on this piece, very honestly, I don't think that you are ever going to apply it, you know.

This is the most appropriate one that I think the Commission is going to confront. The developer has very methodically addressed all concerns of the staff, both in the wetlands level, soil conservations, and your staff that makes the reports for the Planning and Zoning Commission. I would not like to see a delay in this because I don't see any purpose in that delay. I don't see where the Inland/Wetlands you know, even if they choose to reverse there decision, which I doubt very much that they will do because there are vested rights and we relied on their decision. I think that it is almost giving the people that have voiced opposition almost a false hope that the decision could be reversed in some way. I would like for it to proceed in its normally course and I would prefer that the Commission acted on it tonight unless there is some report that you feel that it required. I personally don't see that there is any information that you needed to make a decision other than what has been submitted by either your town staff or by your developer.

Chairman Gionfriddo:

Okay, I just want to comment, I hope the people in the audience did not misconstrue what I said, though I thought it was reasonably clear, that I am telling the people that they have the right to come back to Inland/Wetlands to say what they want to say, but I thought that I made myself reasonably cleared that I was certain that the Inland/Wetland Agency was not going to revoke its permit. I don't think that anybody in the audience got any false hopes based on anything that I said. I think as far as the normal, the normal course of events in a subdivision situation does not, this commission does not normally approve the subdivision on the same night in which it is proposed. That, in a situation where we simply have a lot split or something like what we had here this evening that are relatively straight forward, those we occasionally approve them in the same night. But in a subdivision of 20 lots like this, we normally go at least to the next meeting.

Attorney Ripper:

Okay, I have no problem with that, I did not realize that that was the practice of the Commission. I don't want any special, I mean there is no need for any special treatment because there is not a time factor, it is not critical at this point with the weather conditions.

Chairman Gionfriddo:

Okay, Commissioner Leinwand I think had a question.

Commissioner Leinwand:

Two. First of all I would like to follow that up. With the people who were concerned about the pond, I guess that I don't want you to leave here tonight thinking that that is going to change. I sit there on Inland/Wetlands, it is not an issue germane to this. I am upset that you did not get notice about that, and what it does, is raises the issue that Inland/Wetlands needs to consider a signing regulation similar to what P & Z now has, but I will tell you that I don't see anyway that that permit is going to be revoked. I think that the decisive piece of evidence came from the soil conservation service, we rely on their expertise and when they said in so many words that it is a man made pond, that it is not a crucial wetlands, it was signed, sealed and delivered. There are issues about the springs and it is represented to us incumbented upon the developer to take care of those kind of things and to build houses where in fact the springs will be taken care of. I guess that I just need for you to know that I don't believe that that is an issue, but you are welcome to come to the meeting on February 6. I also don't think that the

Commissioner Leinwand (continued):

issue is whether or not this parcel is going to be developed or not going to be developed. I think that it is going to be developed, so those are not germane, whether you want to hear that or not. What is germane though, and Jack I turn to you, is the issue of density and as you raised, the issue of the drainage engineering that still sits here. The issue of going from 12 to 20, I think is a critical one. Tell me why, is the only reason that Rob redid it is because you could do it or because it enhances this development in some way?

Attorney Ripper:

Well, I think it enhances the development. Number one, the propose of it, if you look at your housing study and I think it is of July '83 housing study in the town of Middletown, they recommend this very provision. They are recognizing the need for affordable housing. If you had, number one if you tried to develop this piece on your typical R-1 regulations I question whether it could be develop very well. We were really running into problems economically to justify this when we were considering it under 14 lots. It would work, but it was a very marginal kind of situation. When you really started looking at the economics of whether you want to take the risk or not we were never really comfortable with that, so there is the economic situation.

Commissioner Leinwand:

What is this predicated on, are you talking about 50,000 dollar houses or are you talking about 75,000 dollar houses?

Attorney Ripper:

As far as the houses?

Commissioner Leinwand:

Yeah, once it is developed, or are you just going to sell the land?

Attorney Ripper:

No, we will be selling the land, we do not put houses. My client is not in the process of doing, not in the field of...

Commissioner Leinwand:

You are just going to sell parcels?

Attorney Ripper:

We are going to sell parcels.

Commissioner Leinwand:

Are you talking about 15, 20, 25, 30, I just need some sense of the economics?

Attorney Ripper:

I don't understand what your question is.

Commissioner Leinwand:

Well, if you tell me that it is not economical, then I need to know what you are talking about .

Attorney Ripper:

No, no, first of all, it is not economical. Second of all, is that this provision was adopted in the..., it was recommended by the housing group to make more affordable housing. Now it is obvious that if you have to have less street frontage and less development costs per lot, your housing cost, your lot cost is going to be less. No, I can't sit here and give your chapter and verse about the economics because I haven't been prepared to do that, but the truth is and it is very obvious that if your site costs are less, your lot cost is going to be less, and it is going to sell less to a builder and

Attorney Ripper:

he is going to be able to put up a product which is less expensive. The thing that this Commission has to worry about in its infilling regulation, is; does this in anyway detract from the rest of the neighborhood? Is it so distinctly different from a product that is going to be there, that these people are going to be damaged? What I would say is that it is absolutely not the case. Number one, with new housing prices and lot prices I would say that it is going to enhance the value of their homes or at least be equivalent to it.

Chairman Gionfriddo:

Is there any other questions of Jack. Okay, I, thank you Jack.

Attorney Ripper:

I will make myself available out in the hallway for anybody in the neighborhood who has any questions because I don't want them to leave with unanswered questions if I can give them answers. I don't really know if I want to get into it at this point.

Chairman Gionfriddo:

I would appreciate that, I see people in the audience raising their hands what I don't want, I don't want to get into a debate, rebuttal, ser rebuttal situation. If anybody has somethin new that is germane to the issue, I will be glad to hear it. If you are just going to sit back and rebutt what Jack just said, I think we are just going to be spinning our wheels and wasting time so I will invite you to come up and if I sense that you are just getting into a rebuttal situation, I am going to shut you off.

MaryAnn Herd:

Can I come and ask a question?

Chairman Gionfriddo:

Yes, come up and introduce..., you have to come up and give your name. We are having a tape of this made so we need to have everybody names.

MaryAnn Herd:

I just wanted to ask....

Chairman Gionfriddo:

Name.

MaryAnn Herd:

MaryAnn Herd, Deerfield Avenue, I just wanted to ask, what types of houses, are they all going to be the same?

Chairman Gionfriddo:

No, what we are talking about here is a subdivision of property into lots. He has indicated what they are planning to do is sell lots not build houses. So he would not be in any position to tell you what types of houses are going to be built there.

Attorney Ripper:

I can answer that question Steve from previous practices with this developer because I have represented him for a number of years. If in fact he sells the lots himself individually as lots rather than in groups to another developer his practice has been that he controls the designed of the house as he sells it to an individual home owner that may come to him. If he sells it to a developer, in practice, he puts on a declaration of restrictions for architectural, so there is a consistency in the architecturals and there are certain things that you can't do. It is inconsistent with the expectations of the..., what he has for high quality projects. I can not see

Attorney Ripper (continued):

why he would not continue that procedure in this case. The last thing that anyone wants to do when they are selling lots rather than taking the whole project through and building themselves, is have a product go up on one of those lots or three or four of those lots that is going to detract from the rest of the lots in the area. So I think as far as the kind of quality, you know he is very sensitive to that. I can't say that I don't share this woman's sense of esthetics, she may like contemporary and I may like colonial, but you know within the realm of the homes that are built I think that they are not going to be shabby by any means.

MaryAnn Herd:

I didn't mean shabby, I just don't, what do they call it, like all the same.

Chairman Gionfriddo:

Tract housing.

MaryAnn Herd:

Tract housing, is it going to be like that?

Attorney Ripper:

I can not see that happening.

MaryAnn Herd:

Why, they did it before.

Chairman Gionfriddo:

Anything else? Okay, I think that answers that question. Anyone else? If not we are going to close the public hearing on this. I am sorry, reopen it again.

William Hastings:

Just one question, William Hastings from Deerfield Avenue. There was mention, when this gentleman got up, he talked about hooking into the water line on Deerfield Avenue. I was wondering, the water pressure up in that area is not that great. By hooking in with that new project, wouldn't that be taking away from more water pressure?

Chairman Gionfriddo:

That is something that would be within the control of the Water and Sewer Department. In their comments and handling of this subdivision, if that would be a problem that would be reflected and they would be the ones to deal with it.

William Hastings:

Okay.

Chairman Gionfriddo:

He is going to have to deal with the Water and Sewer Department and get their approval for everything that he does.

Attorney Ripper:

In fact what happened in this case, we were not going to hook into Deerfield and I think a question of pressure came up and then it became clear that we were not going to affect the pressure the way we were doing it but it was still desirable from the town staff's standpoint to hook up to Deerfield so I think that the town has agreed to provide the pipe and we've agreed to install it. There is a footnote on the map, that is the source and the reasoning behind connecting to Deerfield. So I am quite sure that

Attorney Ripper (continued):
the staff had a logical reason to do that.

Chairman Gionfriddo:
Thank you. If there is nothing else we are going to close the public hearing on item 9. George I am going to request a transcript be made of this particular item, okay.

George Reif:
Okay.

Commissioner Leinwand:
Can we have that within two weeks in house?

George Reif:
Oh yeah, it will be done.

Commissioner Leinwand:
Can I ask that that transcript, as soon as it is done, be sent to Leonard Grimes and that we get an official memorandum from the Water and Sewer Department addressing the water and sewer arrangements.