

PLANNING AND ZONING COMMISSION REGULAR MEETING JANUARY 27, 2010, 7:00 P.M. PAGE 1 OF 4

Comm. Richard Pelletier, Comm. Les Adams, Comm. Catherine Johnson, Comm. Daniel Russo, Comm. Quentin Phipps, Comm. Nicholas Fazzino, Comm. Carl Bolz, Comm. Ken McClellan, Comm. Michael Johnson

MEMBERS
PRESENT

Comm. Barbara Plum, Mayor Sebastian Giuliano, Ex-Officio, Asst. Dir. P.W. Robert Dobmeier, Ex-Officio

MEMBERS
ABSENT

William Warner, Director, Bruce Driska, Zoning Enforcement Officer

STAFF

There were thirty (30) members of the public present. There is a word for word DVD recording of the meeting on file and available in the Planning Office.

PUBLIC

The Pledge of Allegiance was recited at 7:04 p.m.

ITEM 1
PLEDGE OF
ALLEGIANCE

Comm. Nicholas Fazzino read a prepared statement into the record. A motion to nominate Comm. Quentin Phipps as Chair was made by Comm. Nicholas Fazzino and seconded by Comm. Les Adams. The passed unanimously.

ITEM 1a
ELECTION OF
OFFICERS

Roll Call was conducted.

ITEM 2
ROLL CALL

No items were removed from the agenda.

ITEM 3
ITEMS RE-
MOVED FROM
THE AGENDA
AND WHY

M. Malley commented on Agenda Items #8.1 and #8.2 and expressed concerns.

ITEM 4
PUBLIC
COMMENT ON
ITEMS

Bruce Driska, the Zoning Enforcement Officer, indicated that all the public hearing signs were in placed and posted.

ITEM 5
ZEO SIGN
CERTIFICATION

Joseph Wren explained the proposal using an overall site plan. No one from the public spoke. On motion and second by Comms. Carl Bolz and Nicholas Fazzino the Commission closed the public hearing. Vote was unanimous. A motion to grant final approval of a two (2) lot resubdivision of the property of Santa Fe Leasing, LLC located at 512 Saybrook Road with the condition that all departmental comments be addressed was made by Comm. Richard Pelletier and seconded by Comm. Daniel Russo. Comm. Catherine Johnson indicated that all the buildings should front the street. The motion passed unanimously.

ITEM 6.1
GRANTED FINAL
APPROVAL OF
A TWO LOT RE-
SUBDIVISION OF
THE PROPERTY
OF SANTA FE
LEASING, LLC
LOCATED AT

Applicant/agent Santa Fe Leasing, LLC/Indigo Land Design, LLC
(Joe Wren PE) S2009-7

512 SAYBROOK
ROAD

Christopher Conklin explained the three (3) lot resubdivision. From the public, Beth Emery commented on the need for sidewalks on Saybrook Road. On motion and second by Comms. Daniel Russo and Catherine Johnson the Commission closed the public hearing. Vote was unanimous. A motion to grant final approval of a three (3) lot resubdivision of the property of Frank M. Moskey located at 738 Saybrook Road across from the Tradewinds Plaze with the condition that all departmental comments be addressed was made by Comm. Nicholas Fazzino and seconded by Comm. Richard Pelletier. Comm. Catherine Johnson commented on the driveway. Comm. Nicholas Fazzino commented on the need for sidewalks. Comm. Carl Bolz commented on sidewalks on state roads. The Commission requested a memorandum to the Public Works Department from the Chair. The motion passed unanimously. Applicant/agent Frank M. Moskey/Conklin & Soroka, Inc. S2009-8

ITEM 6.2
GRANTED FINAL
APPROVAL OF A
THREE (3) LOT
RESUBDIVISION
OF THE PRO-
PERTY OF
FRANK M.
MOSKEY LO-
CATED AT 738
SAYBROOK
ROAD ACROSS
FROM THE
TRADEWINDS
PLAZA

Atty. Ralph Wilson explained the Special Exception request from a prepared statement. Comms. Catherine Johnson and Ken McClellan questioned the site plan. Comm. Michael Johnson requested a rear entrance. Comm. Carl Bolz indicated that the Police Department should be present. Comm. Nicholas Fazzino indicated that the Police and Fire Departments should be present. From the public, Mayor Sebastian Giuliano spoke against the proposal. Amora Corvo spoke in favor. Nancy Newman spoke in favor. Marie Kalito-Leary indicated that the Downtown Business District voted unanimously to support the denial of the proposed Special Exception. J. Becker indicated the City should work to fix the problems and not just close the business down. D. Litman from Young's Printing commented that the empty space would be worse than The Public and that the problem should be fixed. E. Morvadich spoke in support. K. Compin commented that the business change was out of necessity because an upscale market doesn't exist. C. Brough indicated that there was no intent to create a New Haven or Hartford atmosphere. M. MacMillan spoke in support. A motion to continue the public hearing until February 10, 2010 for a proposed Special Exception for an expansion/modification of the Special Exception approval for The Public nightclub located at 337-351 Main Street with the understanding that the Police Chief and Fire Chief be represented was made by Comm. Carl Bolz and seconded by Comm. Nicholas Fazzino. Chair Quentin Phipps commented on the recent problems and business decision, requested a clear floor plan, and a clarification from the Police and Fire Departments on the incidents and the hiring of private duty and noted that the applicant really needed to prove the business is right for Main Street. Comm. Les Adams commented on problems in the past. The motion passed unanimously. Applicant/agent The Public aka Main Street Productions, LLC/
Ralph E. Wilson, Esq. SE2009-24

ITEM 6.3
CONTINUED P.H.
2/10/10 FOR A
PROPOSED
SPECIAL EX-
CEPTION FOR
AN EXPANSION/
MODIFICATION
OF THE SPECIAL
EXCEPTION AP-
PROVAL FOR
THE PUBLIC
NIGHTCLUB LO-
CATED AT 337-
351 MAIN
STREET

The Commission took a five (5) minute recess.

Bruce Driska explained the request. On motion and second by Comms. Richard Pelletier and Nicholas Fazzino the Commission gave an affirmative G.S. 8-24 Review for a proposed 50'x60' storage structure at the Emergency Management Headquarters located at 675 Randolph Road. Vote was unanimous. Applicant/agent Middletown Emergency Management

ITEM 7.1
GAVE AN AFFIRMATIVE
G.S. 8-24 REVIEW FOR A
PROPOSED
50'X60' STORAGE STRUCTURE AT THE
EMERGENCY
MANAGEMENT
HEADQUARTERS
LOCATED AT
675 RANDOLPH
ROAD

Atty. Michael Dowley explained the proposal and the modification to Lot #14. William Warner commented. On motion and second by Comms. Daniel Russo and Richard Pelletier the Commission went into Executive Session. Vote was unanimous. On motion and second by Comms. Daniel Russo and Richard Pelletier the Commission came out of Executive Session. Vote was unanimous.

ITEM 8.1
EXECUTIVE
SESSION PURSUANT TO
CGS 1-200
PENDING
LITIGATION
POPLAR
ESTATES

A motion to approve a proposed settlement of the appeal of the Poplar Estates Subdivision was made by Comm. Richard Pelletier and seconded by Comm. Nicholas Fazzino. Chair Quentin Phipps made it clear that a future public hearing could allow a future road extension to Wanda Lane. The motion passed unanimously. Applicant/agent Atty. Michael F. Dowley and Associates S2008-2

ITEM 8.2
APPROVED A
PROPOSED
SETTLEMENT
OF THE APPEAL OF THE
POPLAR
ESTATES SUBDIVISION

William Warner explained. Comm. Ken McClellan commented on: 1) Page 10, Section #223-15c(2), the spouse should not be named; and 2) Page 14, Section 223-17a), What if the board fails to act in a timely manner? Comm. Carl Bolz indicated he liked the ordinance but did not support the change to Section 223-15c. William Warner proposed drafting a memorandum explaining the concerns to the Common Council. On motion and second by Comms. Carl Bolz and Richard Pelletier the Commission approved the proposed sexually oriented business ordinance and that notification be sent to the Common Council. Vote was unanimous.

ITEM 8.3
APPROVED
PROPOSED
SEXUALLY
ORIENTED
BUSINESS
ORDINANCE

No one spoke.

ITEM 9
PUBLIC
COMMENT
ON TOPICS

The following changes were noted: 1) On Page 2, under Item #1a, in the fourth line, change "Quentin Phipps" to "Nicholas Fazzino"; and 2) On Page 4, under Item #10.4, in the first line change "Stanley Bysiewicz" to "Susan Bysiewicz". On motion and second by Comms. Richard Pelletier and Nicholas Fazzino the Commission approved the minutes of the January 13, 2010 regular meeting as amended. Vote was unanimous.

ITEM 10.1
APPROVED THE
MINUTES OF
THE 1/13/10
REGULAR
MEETING AS
AMENDED

Bruce Driska gave his report. On motion and second by Comms. Richard Pelletier and Nicholas Fazzino the Commission accepted the Zoning Enforcement Officer's Report. Vote was unanimous.

ITEM 10.2
ACCEPTED THE
ZEO REPORT

The Commission indicated that it should have identification cards. Comm. Catherine Johnson commented on a rail application before the MidState Regional Planning Agency and the Plan of Conservation and Development Committee meeting on January 28, 2010. Comm. Daniel Russo commented on the proposed Plan of Conservation and Development.

ITEM 10.3
OTHER COM-
MISSION
AFFAIRS

On motion and second by Comms. Nicholas Fazzino and Daniel Russo the Commission adjourned the meeting at 10:35 p.m. Vote was unanimous.

ITEM 11
ADJOURNMENT

Respectfully submitted,

William Warner, AICP
Director