

PLANNING AND ZONING COMMISSION REGULAR MEETING FEBRUARY 9, 2005, 7:00 P.M. PAGE 1 OF 5

Comm. Carl Bolz, Comm. James Fortuna, Comm. John Pieper,  
Comm. Andrew Rak, Comm. William Wilson, Comm. Deborah  
Kleckowski MEMBERS  
PRESENT

Chw. Barbara Plum, Comm. Stephen Gadowski, Comm. Stephen  
Shapiro, Comm. Sebastian Scalora, Mayor Domenique Thornton,  
Ex-Officio MEMBERS  
ABSENT

William Warner, Director, Brian Robinson, Zoning Enforcement  
Officer, Deputy Dir. P.W. Robert Dobmeier STAFF

There were approximately twenty (20) members of the public present.  
There is a word for word tape recording of the meeting on file  
and available in the Planning Office. PUBLIC

Comm. Carl Bolz announced that Item #3.1 will be removed from  
the agenda. Lawrence Buck questioned Item #3.1 on the agenda.  
Comm. Carl Bolz stated that the Commission will discuss the  
appropriate action to be taken on Item #3.1. A resident expressed  
concern with Item #3.1. Sebastian Juliano expressed his opinion  
that the Commission must act on Item #3.1. Earle Roberts  
questioned Item #3.1. A resident expressed concern with the legal  
notice concerning the identity of the proponent. ITEM 2  
DISCUSSION  
WITH PUBLIC

On motion and second by Comms. William Wilson and Carl Bolz  
the Commission took a recess at 7:20 p.m. Vote was unanimous.  
The meeting resumed at 7:27 p.m. A motion to open the public  
hearing for a proposed amendment to the Subdivision Regulations  
to add Section 5.21.06 Initial Fire Suppression Water Supply and  
continue the public hearing was made by Comm. Andrew Rak.  
Comm. Carl Bolz did not recommend opening the public hearing  
due to the South Fire District opposing the amendment and re-  
commended tabling the public hearing. A motion to open the public  
hearing was made by Comm. William Wilson and seconded by  
Comm. Andrew Rak. The motion passed with Comms. William  
Wilson, Andrew Rak, James Fortuna, Jack Pieper and Deborah  
Kleckowski in favor and Comm. Carl Bolz opposed. William  
Warner summarized the proposal and indicated that the South  
Fire District is opposed to the application. Comm. Andrew Rak  
recommended that the public be allowed to speak. Earle Roberts  
agreed with the comments from William Warner and emphasized  
that the amendment will affect the entire city. Sebastian Juliano  
expressed opposition to the proposal regarding the burden on  
homeowners and had concerns about the Commission proceeding  
with the public hearing. A resident expressed opposition to the  
proposal concerning liability to the city, to the vagueness of the  
proposed amendment and had concerns with the text. Edward  
Deeba, Vice Chair of the Westfield Fire Commission, indicated  
ITEM 3.1  
CONTINUED  
P.H. FOR A PRO-  
POSED AMEND-  
MENT TO THE  
SUBDIVISION  
REGULATIONS  
TO ADD SEC-  
TION 5.21.06  
INITIAL FIRE  
SUPPRESSION  
WATER SUPPLY

that he believed the public hearing would be postponed for thirty (30) days, stated that the city is responsible for providing fire protection to the residents and believes that new development should cover the cost. Michael Osiecki, South Fire District, also believed that the public hearing would be tabled until the next meeting. He indicated that 2,750 gallons are carried by the tanker and pumper, which equals approximately sixteen (16) minutes of water supply to fight a fire and feels that without adequate water supply, proper fire protection cannot be provided. Sid Harmon, a commissioner of the Westfield Voluntary Fire District, expressed concern with the extension and indicated his support for the amendment. Lawrence Buck expressed his opposition because he feels mutual aid should be available, that the city should provide the water and recommended that the proposal be denied without prejudice. Arline Rich expressed support for the proposal and questioned if the tanks would be above or below ground. Brett Hasbrouck questioned how much safer it would be and the safety of the existing homes that do not have the tanks or public water. He submitted a list of eight (8) questions to the Commission for their consideration. Sebastian Juliano expressed concern with requiring a new subdivision to have a homeowner's association and recommended getting a legal opinion from the City Attorney's Office regarding the legality. Edward Deeba stated that there is a mutual aid call if needed and that 2k gallons, the size of a tank, is a sufficient supply to suppress a fire until mutual aid is available. Frederick Hasbrouck feels the fire department should supply the water. Lawrence Buck indicated that the cost of the tanks far exceeds the cost to the city to supply necessary fire trucks and water. William Warner recommended getting a legal opinion from the City Attorney's Office. On motion and second by Comms. Carl Bolz and John Pieper the Commission requested staff to seek a legal opinion from the City Attorney's Office regarding homeowner's associations. Vote was unanimous. On motion and second by Comms. William Wilson and Andrew Rak the Commission continued the public hearing until the meeting scheduled for March 9, 2005. Vote was unanimous. Proponent Middletown, Westfield and South Fire Departments

William Warner summarized the requests for bond reduction. On motion and second by Comms. Andrew Rak and William Wilson the Commission approved a request for reduction of the cash bonds for the Eastbury Hill Subdivision, Phase I (Lots #101-106 and 117-119) and Phase II (Lots #107-112 and 116) to \$40,000. Vote was unanimous. Applicant/agent Ameritage, LLC/Eastbury Hill LLC/Thaddeus Bysiewicz

ITEM 4.1  
APPROVED A  
REQUEST FOR  
REDUCTION  
OF THE CASH  
BONDS FOR  
THE EASTBURY

S2000-11

On motion and second by Comms. Andrew Rak and John Pieper the Commission granted final approval of Phase III (Lots #113-115) of the Eastbury Hill Subdivision located off East Street with the condition that a cash bond in the amount of \$7,000 be posted. Vote was unanimous. Applicant/agent Ameritage, LLC/Eastbury Hill LLC/Thaddeus Bysiewicz S2000-11

William Warner indicated that final approval was granted in 2000, that the mylar is to be filed within ninety (90) days of the approval and that he recommended the applicant come back to the commission to summarize the proposal. On motion and second by Comms. Andrew Rak and William Wilson the Commission tabled a request for final approval of a three (3) lot resubdivision with a Special Exception for two (2) rear lots of the property of Innovative Realty, LLC located on the north side of Randolph Road adjacent to Westridge Estates. Vote was unanimous. Applicant/agent Innovative Realty, LLC S2000-4

On motion and second by Comms. Andrew Rak and William Wilson the Commission scheduled a public hearing date of March 9, 2005 for a proposed one (1) lot resubdivision of the property of Judith B. Emanuelson located on the east side of Higby Road near the Country Club Road intersection. Vote was unanimous. Applicant/agent James and Sheila Emanuelson S2005-1

HILL SUB-DIVISION, PHASE I AND PHASE II

ITEM 4.2  
GRANTED FINAL APPROVAL OF PHASE III OF THE EASTBURY HILL SUBDIVISION LOCATED OFF EAST STREET

ITEM 4.3  
TABLED A REQUEST FOR FINAL APPROVAL OF A THREE (3) LOT RESUBDIVISION WITH A SPECIAL EXCEPTION FOR TWO REAR LOTS OF THE PROPERTY OF INNOVATIVE REALTY, LLC LOCATED ON THE NORTH SIDE OF RANDOLPH ROAD ADJACENT TO WESTRIDGE ESTATES

ITEM 5.1  
SCHEDULED P.H. 3/9/05 FOR A PROPOSED ONE (1) LOT RESUBDIVISION OF THE PROPERTY OF JUDITH B. EMANUELSON LOCATED ON THE EAST SIDE

OF HIGBY  
ROAD NEAR THE  
COUNTRY CLUB  
ROAD INTER-  
SECTION

William Warner explained the status of the application. On motion and second by Comms. Andrew Rak and William Wilson the Commission scheduled a public hearing date of March 23, 2005 for a proposed Special Exception to construct 204 additional multi-family units as Phase II of the Newfield Street project located on Newfield Street generally in the area of Congdon Street. Vote was unanimous. Applicant/agent Landmark Investment Group, LLC/Glenn Russo SE2004-3

ITEM 5.2  
SCHEDULED P.H.  
3/23/05 FOR A  
PROPOSED  
SPECIAL EXCEP-  
TION TO CON-  
STRUCT 204  
ADDITIONAL  
MULTI-FAMILY  
UNITS AS PHASE  
II OF THE NEW-  
STREET PRO-  
JECT LOCATED  
ON NEWFIELD  
STREET  
GENERALLY IN  
THE AREA OF  
CONGDON  
STREET

Robert Dobmeier, Deputy Director of Public Works, explained the proposal. On motion and second by Comms. Andrew Rak and William Wilson the Commission gave an affirmative G.S. 8-24 Review to obtain temporary and permanent easements from various properties located on Chamberlain, Fisher, and Meech Roads. Vote was unanimous. Applicant/agent City of Middletown Public Works Department/Robert J. Dobmeier, Dep. Director of Public Works

ITEM 5.3  
GAVE AN AF-  
FIRMATIVE  
G.S. 8-24 RE-  
VIEW TO OB-  
TAIN TEM-  
PORARY  
EASEMENTS  
FROM VARIOUS  
PROPERTIES  
LOCATED ON  
CHAMBERLAIN,  
FISHER AND  
MEECH ROADS

The minutes of the November 29, 2004 special meeting were not available.

ITEM 6.1  
THE MINUTES  
OF THE 11/29/04  
SPECIAL  
MEETING  
WERE NOT  
AVAILABLE

On motion and second by Comms. James Fortuna and Andrew

ITEM 6.2

PLANNING AND ZONING COMMISSION REGULAR MEETING FEBRUARY 9, 2005, 7:00 P.M. PAGE 5 OF 5

Rak the Commission approved the minutes of the January 12, 2005 regular meeting. Vote was unanimous with Comm. William Wilson abstaining.

APPROVED THE  
MINUTES OF THE  
1/12/05 REGULAR  
MEETING

Brian Robinson summarized his report. Comm. John Pieper questioned the cease and desist letter for 855 Randolph Road that was returned. Regarding the State Traffic Commission report, William Warner summarized the submittal for Wilderman's Way.

ITEM 6.3  
ZEO REPORT

Comm. Andrew Rak questioned the proposed Plan of Conservation and Development and asked if the proposal could be sent to the commission. William Warner indicated that it would be posted on the office website and mailed to the commission. On motion and second by Comms. William Wilson and Andrew Rak the Commission cancelled the next regular meeting scheduled for February 23, 2005. Vote was unanimous.

ITEM 6.4  
COMMISSION  
AFFAIRS

Arline Rich asked if the POCD would also be available to the public. Sebastian Juliano expressed concern with the procedure for scheduling a public hearing and that it still has to go forward.

ITEM 8  
DISCUSSION

On motion and second by Comms. James Fortuna and William Wilson the Commission adjourned the meeting at 9:30 p.m. Vote was unanimous.

ITEM 9  
ADJOURNMENT

Respectfully submitted,

William Warner  
Director