

PLANNING AND ZONING COMMISSION REGULAR MEETING FEBRUARY 9, 1994,  
7:00 P.M. PAGE 1 of 8

Chm. W. Lee Osborne, Vice-Chm. Philip Halibozek,  
John Robinson, Anthony J. Vasiliou, Francis  
Patnaude, Gerard Winzer, Dir. Salvatore Fazzino,  
Ex-Officio

COMMISSION  
MEMBERS  
PRESENT

Mayor Thomas J. Serra, Ex-Officio, Stephen P.  
Shapiro, Ann Loffredo, Sebastian J. Passanesi,  
Jennifer Alexander, Stephen Gadowski

MEMBERS  
ABSENT

Alternate Comm. Gerard Winzer acted for absent  
Comm. Stephen P. Shapiro. Alternate Comm. Francis  
Patnaude acted for absent Comm. Ann Loffredo.  
Comm. Philip Halibozek was designated as Acting  
Secretary.

A C T I N G  
MEMBERS

William Warner, Planning Director

STAFF

Reporters from the Middletown Press and Hartford  
Courant and approximately 25 members of the  
audience.

OTHERS

On motion and second by Comms. Robinson and Winzer  
the Commission approved the minutes of the 1/26/94  
meeting. Vote was 5 to 0 with Comm. Patnaude  
abstaining.

APPROVED  
MINUTES  
1/26/94

The Commission acknowledged the ZEO Sign and  
Monthly Reports.

ITEM 3.1 &  
3 . 2  
ACKNOW-  
LEDGED ZEO  
REPORTS

Chm. W. Lee Osborne recommended to the Commission a  
book entitled, "Geography of No Where". Dir.  
Warner will make a copy available in the Planning  
and Zoning Office.

ITEM 3.3  
"GEOGRAPHY  
T O N O  
WHERE

On motion and second by Comms. Winzer and Halibozek  
the Commission tabled a request for a three year  
extension of preliminary approval of the Hunt Club  
subdivision located off East Street. Vote was  
unanimous.

ITEM 4.1  
T A B L E D  
THREE YEAR  
EXTENSION  
HUNT CLUB  
SUBDIVI-  
SION

PLANNING AND ZONING COMMISSION REGULAR MEETING FEBRUARY 9, 1994,  
7:00 P.M. PAGE 2 of 8

On motion and second by Comms. Robinson and Halibozek the Commission denied a request for a three year extension of a special exception approval for Acheson Woods located on Jackson Street from March 25, 1994 until March 25, 1997. Applicant/agent Stephen Realty & Development Inc./Stephen J. Barberino, Jr. SE87-4. Vote was 5 to 0 with Chm. W. Lee Osborne abstaining.

ITEM 4.2  
DENIED EX-  
TENSION  
ACHESON  
WOODS

On motion and second by Comms. Robinson and Halibozek the Commission granted revised site plan approval for a previously approved special exception located at 875 Newfield Street for a hair salon. Applicant/agent Marco DiMauro SE93-6. Vote was unanimous.

ITEM 4.3  
APPROVED  
REVISED  
SITE PLAN  
8 7 5  
NEWFIELD  
ST

A discussion ensued between the Commission and P. W. Dir. Salvatore Fazzino regarding partial release of cash deposits verses holding all the monies. On motion and second by Comm. Robinson and Patnaude the Commission tabled a request to release a cash deposit being held for the Farmstead Estates Subdivision, Phase I. Applicant/agent Carmelo Aresco S89-4. Vote was unanimous.

ITEM 4.4  
T A B L E D  
RELEASE OF  
C A S H  
D E P O S I T  
FARMSTEAD  
ESTATES

On motion and second by Comms. Robinson and Vasiliou the Commission scheduled a public hearing on February 23, 1994 to consider a proposed Zoning Code text amendment to modify Section 55.03, PROCEDURE. Applicant/agent P & Z Dept. Z94-2. Vote was unanimous.

ITEM 5.1  
SCHEDULED  
P . H .  
Z O N I N G  
C O D E T E X T  
A M E N D M E N T  
P R O C E D U R E

There is a tape recording of the public hearing available in the Planning and Zoning office.

ITEM 6  
P.H. TAPE  
RECORDING

Comm. Halibozek read the legal notice into the record regarding a continued proposed 2 lot subdivision with a special exception including 2 rear lots located on the east side of East Main Street near Sand Hill Road. J. Veccitto and R. Lindquist reviewed the proposal. Chm. Osborne refreshed the memory of the Commission regarding why the hearing was continued. There was a death in the family of the neighboring property. W. Warner reviewed the approval procedure. Comm. Patnaude questioned the drainage and Comm. Robinson questioned the driveways. J. Leal distributed pictures, discussed the grades, the water and sanitary sewer system at capacity, and traffic due to new development. Comm. Patnaude questioned city water quality. Comm. Vasiliou questioned the pictures J. Leal presented. Paul Welburn questioned whether or not the Commission went to the property, submitted 2 pictures to discuss storm water concerns, and indicated his cellar is dry now and will hold the City responsible for a wet cellar in the future. A. Smith lives across from the proposed driveway and stated the storm sewer system is currently inadequate. Dir. Fazzino indicated he was not aware of the complaints in this area regarding storm water. Discussion ensued regarding water and sanitary sewer. J. Lemalpa an adjoining landowner was concerned over storm water, citing ice as a major problem. He stated there were wet soils and the fence line no one had the right to enter his property. Comm. Vasiliou questioned the slopes. J. Viccitto stated it was 12% the first 20 feet, then 14% up. Dir. Fazzino asked if additional basins could be installed. Paul Welburn questioned the grades. Discussion ensued regarding grades and storm water. M. Leal said storm water runoff was a very bad environmental impact. On motion and second by Comm. Robinson and Winzer the Commission closed the public hearing. Vote was unanimous. W. Warner explained the waiver vote requirement. Six votes are required by statutory regulation. On motion and second by Comms. Robinson and Vasiliou the Commission motioned to allow waiver of grades requirement. Comm. Patnaude discussed waiver requirement. Comm. Winzer questioned enforcement. Chm. Osborne clarified. On motion and second by Comms. Halibozek and Robinson to table, the Commission defeated the motion. Comm. Robinson and Halibozek voted in favor. Comms. Patnaude, Vasiliou, Osborne and Winzer voted in opposition. Comm. Halibozek

ITEM 6.1  
DENIED 2  
L O T  
SUBDIVI-  
SION EAST  
M A I N  
STREET

indicated his concerns were adequately addressed. Comm. Robinson felt issues were addressed and should be approved. Comm. Patnaude discussed his concerns about other areas with drainage and enforcement. Comm. Vasiliou stated his concerns. Chm. Osborne moved the questioned. Voting in favor were Comms. Halibozek and Robinson. Comms. voting in opposition were Comms. Vasiliou, Osborne, Patnaude, and Winzer. Vote was 2 to 4.

A motion by Comms. Vasiliou and Winzer to rearrange the agenda was defeated. Comms. Halibozek and Robinson voted in opposition. Comms. Osborne, Winzer, Vasiliou and Patnaude voted in favor.

DEFEATED  
RE-  
ARRANGE-  
MENT OF  
AGENDA

Rev. Paul Franco explained the proposal and explained the church's uses. William Warner clarified the issues regarding conceptual approval only. Comm. Vasiliou questioned the church's growth and size if congregation. Rev. Franco responded. William Warner responded. Comm. Robinson questioned parking. Comm. Patnaude and Comm. Winzer raised issues. Discussion ensued. C.d Bolz representing WRRDM spoke on behalf of the Faith Christian Assembly and supported the proposal. Comm. Winzer questioned Rev. Franco's hours. Rev. Franco stated Sundays were the primary day and possibly other days. Comm. Winzer indicated he lived in the area and Sundays are slow days. D. Strom, T. Vopalak, and N. Lyons all supported the proposal. On motion and second by Comms. Robinson and Halibozek the Commission closed the public hearing. Vote was unanimous. Comm. Robinson moved approval and Comm. Winzer seconded the motion. Comm. Robinson spoke highly of the church. Comm. Vasiliou supported the motion and referenced Section 45. The Commission granted an amendment to the conceptual approval of Grandview Drive, Project 3 Peppermill Village in the Westlake P.R.D. from multi-family-residential to church use located on the northeast side of Grandview Drive as depicted on a map entitled, "Site Plan proposed church Faith Christian Assemble of God dated 1/10/94". Vote was unanimous.

ITEM 6.2  
APPROVED  
CONCEPTUAL  
C H A N G E  
FROM MULTI  
F A M I L Y  
RESIDENT-  
IAL TO  
CHURCH USE  
PROJECT 3  
PEPPERMILL  
V I L L A G E  
GRANDVIEW  
D R  
WESTLAKE  
PRD

Atty. Quattro explained a proposal for a special exception to allow historic adaptive reuse for residential, commercial, office and retail located at 572-574 Saybrook Road. Applicant/agent Kalmar Realty Associates/Atty. Mark Quattro. Comm. Robinson questioned the site lines, buffers and a written agreement. Atty. Quattro agreed with the agreement, buffers, and questioned the site line issue. Retail was removed and only an antique store will be allowed. Comm. Halibozek questioned the site line. Atty. Quattro will work with Police to address the issue of site line. Earle Roberts questioned the conditions on traffic. Chm. Osborne felt tree should be protected. Comm. Vasiliou was concern with commercial. On motion and second by Comm. Halibozek and Winzer the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. Robinson and Halibozek the Commission granted a special exception to allow historic adaptive reuse for residential, commercial, office and antique store located at 572-574 Saybrook road with the conditions (a) it meet departmental requirements, (b) the plan be reviewed by the Police Dept. for sight lines, and (c) the trees shall not be cut. Applicant/agent Kalmar Realty Associates/Atty. Mark Quattro. Vote was unanimous.

ITEM 6.3  
APPROVED  
S.E. 572-  
5 7 4  
SAYBROOK  
R O A D  
K A L M A R  
REALTY

William Warner explained the proposed 4 lot subdivision located on Wadsworth Street and Laurel Grove (aka the Cenacle property) that a sign advertising the public hearing was not posted. Comm. Robinson motioned to deny without prejudice for failure to post sign seconded by Comm. Halibozek. Vote was unanimous.

ITEM 6.4  
DENIED 4  
L O T  
SUBDIVI-  
SION

D. Beach explained a proposed Zoning Code text addition to allow existing neighborhood restaurant in the MX (Mixed Use) zone and need to expand in Middletown. William Warner explained his comments and recommended approval. Discussion ensued regarding where the expansion could occur on South Main Street. Comm. Vasiliou asked for documentation regarding corporate policies and parking. On motion and second by Comms. Robinson and Vasiliou the Commission closed the public hearing. Vote was unanimous. Comm. Robinson moved approval and Comm. Halibozek seconded the motion. The Commission adopted the text addition. Comm. Halibozek supported the proposal as it helps small businesses. Vote was unanimous.

ITEM 6.5  
ADOPTED  
Z O N I N G  
T E X T  
ADDITION  
EXISTING  
RESTAURANT  
MX ZONE

William Warner explained a proposal to amend the Zoning Code to eliminate Section 61.01.28A, Recreation-Commercial and to establish identical language under Section 61.01.28 as a special exception. No one from the public spoke. On motion and second by Comms. Robinson and Halibozek the Commission closed the public hearing. Comm. Robinson moved approval and Comm. Halibozek seconded the motion. Comm. Halibozek supported the change, was glad to see the change, and commended the Director for proposing the change. The Commission adopted the amendment. Vote was unanimous.

ITEM 6.6  
ADOPTED  
ZONING  
CODE TEXT  
AMENDMENT  
RECREATION  
COMMERCIAL  
AS S.E.

B. Aisner explained a proposal for a 17 lot subdivision located on the east side of Long Hill Road across from the Daniels Street intersection to be known as Meadow View Subdivision using two boards. He explained the location within Wesleyan Hills. Various scenarios were analyzed. He reviewed departmental comments and the distance of the building from the Wyskel property. Staff disputed distance and a chain link fence was suggested by staff. Comm. Robinson questioned sidewalks and supported sidewalks. The cost of the water line loop was discussed by Comm. Robinson. Comm. Halibozek supported the sidewalks. William Warner questioned the bituminous or concrete sidewalks. Comm. Robinson indicated concrete to meet City standards. J. Kudrac has been active on the Wesleyan Board and spoke as an individual stating the developer is not working consistently with the Wesleyan Hills' concept. He questioned design, storm drainage, and other concerns. Comm. Robinson noted many do not have garages and restrictions. R. Aisner stated all houses will have garages and will work with ALRC for each house and needs their approval. R. Evans spoke in opposition questioning garages, traffic, and sight lines. P. Evans concern was traffic. P. Guttman felt the intersection of Daniels Street and Long Hill Road is very dangerous.

ITEM 6.7  
CONTINUED  
P.H.  
MEADOW  
V I E W  
SUBDIVI-  
SION

A speaker stated that many neighbors were opposed to the subdivision because of traffic and felt a second road should be parallel. J. Driscoll felt design should be changed due to traffic concerns. Earl Roberts read the Conservation Commission's comments into the record. J. Robinson requested an extension. R. Aisner denied the request for an extension and felt he has worked with staff and addressed all concerns.

ITEM 6.7  
CONTINUED  
P.H.  
M E A D O W  
V I E W  
S U B D I V -  
I S I O N

Comm. Robinson emphasized the need for the extension and notes sixty-five days to approve. R. Aisner refuses and addresses various concerns. Comm. Patnaude raised concerns and reasons to extend. He needs WPCA approval and traffic report after second look. Chm. Osborne summarized the need for additional public comment due to weather. Comm. Vasiliou noted Section 45 and need for time. R. Aisner agreed to an extension to the next meeting. Comm. Halibozek felt this has been well advertised and has many concerns but is there a need to continue the hearing. Isn't someone from Wesleyan Hills here if they have such concerns? Comm. Patnaude want WPCA approval prior to approval of P & Z. Discussion ensued. Comm. Winzer questioned staff. W. Warner clarified. B. Evans addressed the Commission on behalf on the Wesleyan Hill Association. R. Aisner agrees to an extension. On motion and second by Comms. Robinson and Patnaude the Commission continued the public hearing on 2/23/94. Vote was unanimous.

William Warner indicated Atty. Quattro requested a continuation for a proposed special exception to permit a patron swimming pool with cabanas installed in the 100 year floodplain located at America's Cup 80 Harbor Drive. Applicant/agent Harbor Drive Associates/Atty. Mark Quattro SE94-1. R. Mazzotta raised concerns about stability, flooding and access to the park. Private concern is crowding out the public. On motion and second by Comms. Robinson and Patnaude the Commission continued the public hearing. Vote was unanimous.

ITEM 6.7  
CONTINUED  
S.E. POOL  
& CABANAS  
AMERICA'S  
CUP

Comm. Halibozek opened the hearing regarding a proposed 25 lot resubdivision to be known as Country View Estates, Phase III located off the east side of Margarite Road south of Kelsey Street. Applicant/agent Cambridge Homes, Inc./Glenn Russo. Atty. Dowley and Glenn Russo explained the proposal. Discussion regarding whether to continue or close hearing. Discussion ensued. Comm. Patnaude was sitting only for quorum and will abstain from voting on this application. Comm. Vasiliou questioned the 65 days. The public agrees to defer comment to the next meeting. On motion and second by Comm. Halibozek and Robinson the Commission continued the public hearing until 2/23/94. Vote was unanimous.

ITEM 6.9  
CONTINUED  
P . H .  
2 / 2 3 / 9 4  
C O U N T R Y  
V I E W  
E S T A T E S ,  
P H A S E I I I

There was no discussion with the public.

ITEM 7  
DISCUSSION  
W I T H  
P U B L I C

On motion and second by Comms. Halibozek and Vasiliou the Commission adjourned the meeting at 12:50 P.M. Vote was unanimous.

ADJOURN-  
M E N T

Respectfully submitted,

William Warner  
Planning Director

Approved at the meeting of \_\_\_\_\_.