

PLANNING AND ZONING COMMISSION REGULAR MEETING FEBRUARY 10, 1999, 7:00 P.M. PAGE 1 OF 8

Chm. W. Lee Osborne, Comm. William Holley III, Comm. David Roane, Comm. James Fortuna, Comm. Victor Liburdi, Comm. Barbara Plum, Mayor Domenique Thornton, Ex-Officio

COMMISSION
MEMBERS
PRESENT

Comm. Anthony Vasiliou, Comm. Carl Bolz, Comm. Corrine Dorsey, Comm. Carl Chisem, Dir. P. W. Salvatore Fazzino, Ex-Officio

COMMISSION
MEMBERS
ABSENT

William Warner, Director of Planning, Wayne T. Bell, Zoning Enforcement Officer, Thomas Nigosanti, Chief Engineer

STAFF

There were approximately twenty-five members of the public.

PUBLIC

There was no discussion.

ITEM 2
DISCUSSION WITH
PUBLIC ON ITEMS
ON AGENDA

Wayne T. Bell issued his report. Discussion on Pizza King ensued. A motion to have the building removed was made by Comm. David Roane and seconded by Comm. James Fortuna. Chm. W. Lee Osborne commented. William Warner suggested that the Zoning Board of Appeals would be involved. Comm. David Roane withdrew the motion. On motion and second by Comms. William Holley and David Roane the Commission approved injunctive relief. Vote was unanimous. Wayne T. Bell finished his report on Fellowship Baptist Church. William Warner commented. Chm. W. Lee Osborne feels fines should be investigated. William Warner commented on statutory authorizations. Tim Lynch, Deputy City Attorney, responded. Chm. W. Lee Osborne feels the Zoning Enforcement Officer should write a letter to Consumer Protection issuing a formal complaint. Discussion ensued. Wayne T. Bell commented on the Knights of Columbus building on Newfield Street. Discussion ensued.

ITEM 2a
ZEO REPORT

On motion and second by Comms. David Roane and James Fortuna the Commission tabled a request for

ITEM 3.1
TABLED REQUEST

release of the cash bonds for The Meadows at Riverbend, Section II, Phases 3, 4A, 4B; Section III, Phases 1, 2A, 2B, 3A, 3B; and Section IV, Phase 1A. Vote was unanimous. Applicant/agent Tuttle Road Associates/Robert C. Fusari, President S91-15, S93-3, S95-6

FOR RELEASE OF THE CASH BONDS FOR THE MEADOWS AT RIVERBEND, SECTION II, PHASES 3, 4A, 4B; SECTION III, PHASES 1, 2A, 2B, 3A, 3B; AND SECTION IV, PHASE 1A

On motion and second by Comms. David Roane and James Fortuna the Commission tabled a request for release of the cash bond for Farmstead Estates, West Street. Vote was unanimous. Applicant/agent Attorney Joseph D. Marino S89-4

ITEM 3.2
TABLED A REQUEST FOR RELEASE OF THE CASH BOND FOR FARMSTEAD ESTATES, WEST STREET

William Warner introduced Tim Lynch, Deputy City Attorney. Comm. David Roane questioned Tim Lynch, who agreed with William Warner's opinion. Comm. David Roane had more questions. Mayor Dominique Thornton questioned the legal definition. Tim Lynch responded. William Warner commented on accessory and primary uses. Comm. David Roane questioned William Warner on other Cash & Jewelry Exchange Stores. William Warner responded. A motion to approve a request for interpretation and find that the proposed use is not prohibited pursuant to Section 61.05 Prohibited Uses was made by Comm. David Roane and seconded by Comm. William Holley. Comm. David Roane thanked Tim Lynch for attending. Comm. Roane spoke in support of the motion and feels this is not a pawn shop. Mayor Dominique Thornton spoke on the legal issues and support of small businesses. The motion failed with Chm. W. Lee Osborne, Comm. David Roane, Comm. William Holley, and Comm. James Fortuna in favor and Comms. Victor Liburdi and Barbara Plum opposed. Chm. W. Lee Osborne clarified the vote and dis-

ITEM 4.1
DENIED A REQUEST FOR INTERPRETATION OF SECTION 61.05 PROHIBITED USES

cussed the character of the downtown and the control of uses. Applicant/agent Cash & Jewelry Connection/Edward Helgran

M. D' Ambrose, President of the Middletown Little League, and Wes Downing, Director of the Park and Rec Department, explained the proposal and submitted a packet for review. Comm. David Roane questioned the notice. William Warner responded. M. D' Ambrose continued on the benefits of lights. Chm. W. Lee Osborne questioned the Plan of Development and the Zoning Code. William Warner responded. Comm. David Roane questioned why only one field. M. D' Ambrose responded cost. Discussion ensued. On motion and second by Comms. David Roane and Victor Liburdi the Commission gave an affirmative G. S. 8-24 Review for installation of lights on one of the Little League fields at Hubbard Park on DeKoven Drive. Vote was unanimous. Applicant/agent Middletown Little League/George M. Souto

ITEM 4.2
GAVE AN
AFFIRMATIVE
G.S. 8-24 REVIEW
FOR THE IN-
STALLATION OF
LIGHTS ON ONE
OF THE LITTLE
LEAGUE FIELDS
AT HUBBARD
PARK ON DE-
KOVEN DRIVE

There is a tape recording of the public hearing available in the Planning, Conservation and Development office.

ITEM 5
P.H. TAPE
RECORDING

Atty. Philip Karpel and Brigham Metcalfe explained the proposal, the history of the applicant and the property, the previous approvals and the need for more parking for the proposed building. Comm. David Roane questioned the size of the parcel to be amended. J. Mrozowski spoke in opposition. He indicated he built his home based on existing zoning and feels the change would impact his property values. L. and H. Geremia expressed concerns and stated they had a right to drain. They requested a buffer zone but spoke warmly of their neighbor and had no desire to hurt him. William Warner identified the property and commented on the buffer. Chm. W. Lee Osborne commented on the process. Discussion ensued. H. Geremia commented on wetland. A neighboring resident spoke in opposition, had concerns over the access road to George Street and commented on eminent domain. No one else from the public spoke.

ITEM 5.1
ADOPTED AS
AMENDED A PRO-
POSED AMEND-
MENT TO THE
PLAN OF
DEVELOPMENT
TO CHANGE THE
DESIGNATION OF
LOT 12 AND THE
REAR OF LOT 12A
WASHINGTON
STREET FROM
"EXISTING IN-
STITUTION" TO
"GENERAL COM-
MERCIAL" AND

Atty. Philip Karpel responded to the concerns. He indicated that white pines will be removed, that the applicant will work to have a buffer that will exceed the minimum, and that the applicant is willing to pull back the line away from the Mrozowski property. On motion and second by Comms. David Roane and James Fortuna the Commission closed the public hearing. Vote was unanimous. A motion to adopt an amendment to the Plan of Development to change the designation of Lot 12 and the rear of Lot 12A Washington Street from "existing institution" to "general commercial" and from "residential" to "general commercial" respectively was made by Comm. David Roane and seconded by Comm. James Fortuna. Comm. David Roane indicated that he feels comfortable with the proposal. Comm. Victor Liburdi requested a friendly amendment to pull the line back thirty feet from the Mrozowski property. The amendment was accepted. Comm. William Holley commented on the amendment to the Plan of Development and feels it should have a higher standard. Chm. W. Lee Osborne responded to concerns of Comm. Holley and feels the amendment is in order. Comm. William Holley responded in opposition to changing the residential area and questioned the map. The motion passed with Chm. W. Lee Osborne, Comm. David Roane, Comm. James Fortuna, Comm. Victor Liburdi, and Comm. Barbara Plum in favor and Comm. William Holley opposed. Applicant/agent 3127 Berlin Turnpike Associates/Philip Karpel, Attorney

FROM "RESIDENTIAL" TO "GENERAL COMMERCIAL" RESPECTIVELY WITH AN EFFECTIVE DATE OF 3/1/99

T. Jackowiak explained the proposal to subdivide the land and the expiration of the previous approval. Comm. David Roane questioned the Police Departmental comment. T. Jackowiak concurred with changing the location of the driveway. Arline Rich, Westfield Residents for Rational Development of Middletown, Inc., expressed concerns about traffic. T. Jackowiak responded on the need for State Traffic Commission review. On motion and second by Comms. David Roane and Barbara Plum the Commission granted final approval of a five (5) lot resubdivision with a

ITEM 5.2
GRANTED FINAL APPROVAL OF A FIVE LOT RESUBDIVISION WITH A SPECIAL EXCEPTION FOR A REAR LOT OF THE PROPERTY OF THEODORE J. TINE LOCATED

Special Exception for a rear lot of the property of Theodore J. Tine located on East Street across from Plumb Road. Vote was unanimous. Applicant/agent Theodore J. Tine/T. F. Jackowiak S98-10

ON EAST STREET
ACROSS FROM
PLUMB ROAD

Atty. Philip Karpel explained the proposal to amend the Zoning Code to allow vocational schools for massage therapy, the history of the organization, the square footage proposed, the accreditations and the number of employees. He read the letters from Mid-state Regional Planning and Agency and the Central Connecticut Regional Planning Agency and from the Middlesex County Chamber of Commerce into the record. Executive Director S. Kitts commented on the organization and the emerging profession. He indicated that he would like to move to Middletown for a larger facility and central location. Atty. Philip Karpel concluded by referencing the purpose of the zone and the access to the highways. Comm. David Roane questioned total enrollment. S. Kitts responded 275 with six classrooms, twenty students per room with additional staff. Chm. W. Lee Osborne questioned why not amending the existing section. Atty. Philip Karpel responded. S. Kitts indicated that this is a private for profit facility. Chm. W. Lee Osborne commented on eliminating vocational schools. Comm. David Roane indicated to Mayor Domenique Thornton that the City Attorney should be here. William Warner commented on amending sections not filed and the existing language. From the public, Arline Rich spoke in support. P. Pietroski, of Country Club Road and a graduate of the school, spoke in support. On motion and second by Comms. David Roane and Barbara Plum the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. David Roane and Barbara Plum the Commission adopted a Zoning Code text amendment to add Section 61.01.55 Vocational Schools as a permitted use in the IT Interstate Trade zone with an amendment to remove "for massage therapy". The effective date is February 28, 1999. Vote was unanimous. Applicant/agent Connecticut Center for Massage Therapy Z99-1

ITEM 5.3
ADOPTED AS
AMENDED A PRO-
POSED ZONING
CODE TEXT
AMENDMENT TO
ADD SECTION
61.01.55 VOCA-
TIONAL SCHOOL
FOR MASSAGE
THERAPY AS A
PERMITTED USE
IN THE IT INTER-
WITH AN
EFFECTIVE DATE
OF 2/28/99

Guy Russo, Director of the Water & Sewer Department, explained the proposal, the history of the property, what is proposed, consolidation of facilities and environmental remediation. Chm. W. Lee Osborne questioned the Community Facility Plan. William Warner responded. Comm. David Roane questioned moving out and the need to expand City Hall. Guy Russo responded. Comm. David Roane questioned the use of the buildings and the size of the equipment. Guy Russo responded. Chm. W. Lee Osborne clarified on seasonal storage. Comm. David Roane continued questioning at length on the use and the cost. Guy Russo responded. Comm. David Roane questioned William Warner on the Route 3 Plan, who responded. Comm. William Holley questioned timing and the new Plan of Development. Guy Russo responded that they should not wait. Comm. William Holley questioned any other plans. Guy Russo responded. Comm. William Holley continued with questioning. Guy Russo responded. From the public, Arline Rich spoke as an individual. Chm. W. Lee Osborne responded. William Warner commented on the process and the PSUZ zone. Comm. David Roane questioned the quality of life and environmental. Guy Russo responded that what exists now is an eyesore, that there has been vandalism and the City is responsive to complaints. Comm. David Roane questioned why not considering the Moose Club property and other sites. Guy Russo responded. Comm. William Holley questioned the PSUZ zone. William Warner responded. Comm. David Roane commented on potential other uses. Chm. W. Lee Osborne responded at length on the future use of the property, what makes sense, what is the responsible thing to do, and if the property fronting on Newfield Street should be removed. Comm. David Roane responded to Chm. Osborne's comments. Mayor Dominique Thornton indicated support for the project and stated there are many reasons why the project makes sense. Guy Russo concluded his presentation, thanked the Mayor, commented on the wisdom of the project and requested approval. On motion and second by Comms. David Roane and Victor Liburdi the Commission closed the

ITEM 5.4
ADOPTED AN
AMENDMENT TO
THE LAND USE
COMPONENT OF
THE PLAN OF
DEVELOPMENT
TO CHANGE THE
DESIGNATION OF
THE CITY OF
MIDDLETOWN
PROPERTY LO-
CATED ON BOTH
SIDES OF BERLIN
STREET FROM
LOW DENSITY
RESIDENTIAL
TO EXISTING
INSTITUTIONS
AND PUBLIC
LAND WITH AN
EFFECTIVE DATE
OF 3/1/99

public hearing. Vote was unanimous. A motion to adopt an amendment to the Land Use Component of the Plan of Development to change the designation of the City of Middletown property located on both sides of Berlin Street from low density residential to existing institutions and public land was made by Comm. Victor Liburdi and seconded by Comm. Barbara Plum. Comm. David Roane spoke in opposition and stated he is not convinced this is the best use of the property. Comm. William Holley commented on the adequacy of the map, is torn on allowed uses, how it should be used and is opposed. Chm. W. Lee Osborne spoke in support of the proposal, stated that future approvals will be needed and indicated what control the Commission has. The motion passed with Chm. W. Lee Osborne, Comm. James Fortuna, Comm. David Roane, Comm. Victor Liburdi, and Comm. Barbara Plum in favor and Comm. William Holley opposed. Applicant/agent City of Middletown Water and Sewer Department/Guy Russo, Director

On motion and second by Comms. Barbara Plum and James Fortuna the Commission agreed to continue the meeting past 11:00 p.m. Vote was unanimous.

Ernest Nepomuceno explained the proposal. Dr. Guest commented on the special exception to become a professional use and commented on historic preservation. R. Scheckinger explained the site plan. William Warner commented on the Design Preservation Board comment. Chm. W. Lee Osborne commented. B. Scheckinger commented on landscaping. Comm. William Holley questioned the operation of the practice. No one from the public spoke. On motion and second by Comms. David Roane and Barbara Plum the Commission closed the public hearing. Vote was unanimous. A motion to grant a Special Exception to convert an existing two family dwelling located at 57 South Main Street to a professional use with the condition that all departmental comments be addressed was made by Comm. David Roane and seconded by Comm. Barbara Plum. Comm. William Holley

ITEM 5.5
GRANTED A
SPECIAL EX-
CEPTION TO CON-
VERT AN EXIST-
ING TWO
FAMILY DWELL-
ING LOCATED AT
57 SOUTH MAIN
STREET TO A
PROFESSIONAL
USE

spoke in support. The motion passed unanimously.
Applicant/agent Ernest Nepomuceno SE99-1

On motion and second by Comms. David Roane and
Barbara Plum the Commission accepted withdrawal
of a proposed 16 lot resubdivision of the property of
Patricia K. Scully located at 346 Congdon Street
in the vicinity of Cynthia Lane off of Congdon Street.
Vote was unanimous. Applicant/agent Daybreak
Corporation/Philip F. Karpel, Esquire S98-9

ITEM 5.6
ACCEPTED WITH-
DRAWAL OF A
PROPOSED SIX-
TEEN LOT RESUB-
DIVISION OF THE
PROPERTY OF
PATRICIA K.
SCULLY LOCATED
AT 346 CONGDON
STREET IN THE
VICINITY OF
CYNTHIA LANE
OFF OF CONGDON
STREET

On motion and second by Comms. David Roane and
Barbara Plum the Commission approved the minutes
of the January 27, 1999 meeting. Vote was unanimous.

ITEM 6.1
APPROVED THE
MINUTES OF THE
1/27/99 MEETING

There was no discussion.

ITEM 7
DISCUSSION
WITH PUBLIC

Adjournment was at 11:30 P.M.

ITEM 8
ADJOURNMENT

Respectfully submitted,

William Warner
Director of Planning, Conservation & Development