

Paul P. Parisi, Chm.; Eric G. Lowry, Vice-Chm.; Comms. Walter J. Dreaheer; COMMISSION
Stephen T. Gionfriddo; Rose Sbalcio; Alternates: Mary C. Woods; Louis Carta MEMBERS PRESENT

Mayor Michael J. Cubeta, Jr.; Cos Giuffrida, Secretary; Comm. Seb J. MEMBERS ABSENT
Passanesi; Alternates: George L. Augustine; Anthony J. Gaunichaux

Comm. Lowry acted as Secretary for absent Cos Giuffrida; Comm. Woods acted ACTING MEMBERS
for absent Comm. Giuffrida; Comm. Carta acted for Comm. Gionfriddo who
arrived shortly after the beginning of the meeting and subsequently Comm.
Carta was then appointed to act for absent Comm. Passanesi.

George A. Reif, Director; Althea Rinaldi; Mary Lee Dorflinger STAFF

Robert Frank, Zoning Enforcement Officer; Jeff Kotkin, Reporter, Hartford OTHERS
Courant; Jan Frazier, Reporter, Middletown Press; approx. 15 persons in
the audience.

Due to malfunction of the tape recorder in the beginning of this meeting
the following is typed from my notes.

All of the items on the Public Hearing tonight have been advertised twice
in the Middletown Press on January 31st and on February 7th, to meet the
legal requirement for notice.

ACTING SECRETARY LOWRY:

THE PLANNING AND ZONING COMMISSION WILL HOLD A PUBLIC HEARING,
FEBRUARY 11, 1981, STARTING AT 7:00 P.M., IN THE COUNCIL CHAMBERS,
MUNICIPAL BUILDING, DEKOVEN DRIVE, MIDDLETOWN, CONNECTICUT, to
consider the following:

Item 1. Proposed amendment to the Zoning Map to rezone the
area at Broad, William and Old Church Streets from R-4 to
B-3 Zone. Map showing the proposal is on file in the office
of the Town Clerk.

ITEM 1
PROPOSED AMEND.
TO ZONING MAP
FROM R-4 TO B-3
ZONE. BROAD, WM.
STS., ETC.

DIRECTOR REIF: (Tape begins here)

As most everyone knows before you can change the either the text or the
zoning map you have to go through a set procedure as outlined in the state
law. The reason I mention that is, I'm sure a lot of people here wonder
why we are actually doing this because it seems so obvious but you have
to go through the right procedure. And we want to do it correctly. The
area that we're talking about is shown on a map which I'll now point too.
It's, was part of the Redevelopment and still is part of the Redevelopment
area. And it's been zoned R-4 for a long time. And as part of the Redevelop-
ment project or process, there was some discussion about how the land should
be used now and in the future. The Commission participated in that decision
one time when they were asked whether or not there ought to be a gas station
or the gas station that's on the corner of Broad and William ought to remain
there. And I think in your wisdom, you decided that somewhere in the Redevelop-
ment project, there ought to be a gas station. It was the last and only one
that's left. And there were some other adjacent commercial uses. And it was
generally understood then, I forget how many years. It must have been at least
5 years that someday this would be zoned properly. I think there was some
discussion about institutions on the block. How they were going to work out
their parking and that sort of thing. But I think all those things have been
taken care of. And so the day has arrived to consider and I think that the

DIR. REIF: (Continued from previous page)

Commission act on rezoning the area from R-4 which has been for many years to B-3 which is the Central Business District Zoning. And that means that this entire block as shown on the proposed will be B-3. It's that straight forward. Actually all the uses that are there are permitted in the B-3 Zone. Some of the uses that are there are now non-conforming in the R-4.

COMM. LOWRY:

Is there a distinction between Central Business Zone and B-3?

DIR. REIF:

No. The B-3 is known as a Central Business District Zone.

COMM. LOWRY:

.....(Inaudible) total, total,....(Inaudible)

DIR. REIF:

Right. I'll demonstrate that by putting the zoning map. B-3, Central Business Zone, here's the entire City. Here's the little corner we're talking about shown in brown. The Central Business District is shown in red. The large (Inaudible)....this area. There's the area...(Inaudible)....business district.

CHM. PARISI:

Any other questions from Commission members? Any comments from the public? I, Bob, and anyone else who wishes to speak. I, I just have a request. If you'd come up here. We're having trouble with the main taping system. We've got a back up. And I just want to make sure we pick everything up. So, if you don't mind I, you can come up here and talk into this tape. We'll be able to pick everybody up.

ATTY. POLINER:

My name is Robert Poliner. I'm an Attorney practicing here in Middletown. I'm here tonight representing Maria and Sal Didato, William Ruot and Russell Bengtson. Maria and Sal Didato own the corner of William and Broad Street. Russell Bengtson owns the store that the building that is, has Mitchell's Paint Store located in it. And Bill Ruot is the owner of the (Inaudible) Estate in which Robert's Funeral Home is located. All of the people are in favor of the zone change. They're eager to have their properties conform completely and to have the uses be consistent with the zone. And therefore, they respectfully request that you people act favorably upon your, your motion. Thank you.

CHM. PARISI:

Is there anyone else who wishes to speak in favor of this proposal? Is there anyone who wishes to speak in opposition? Now, we'll close item one. Before the Secretary reads item two, Commissioner Gionfriddo is here so Commissioner Carta, you can be acting for Commissioner Passanesi. So you'll still be an active participant.

COMM. CARTA:

Would you repeat that again please? I (Inaudible)

CHM. PARISI:

Steve came in. All right. So, you were initially his acting for Steve so you now act for Seb Passanesi.

COMM. CARTA:

O.k. Thank you.

CHM. PARISI:

And we'll have a full strength.

ACTING SECRETARY LOWRY:

Item 2. Proposal to adopt a new zone called Interstate Trade Zone (I T Zone) which will permit certain job intensive land use activities such as manufacturing, laboratories, printing, studios, offices and banks.

ITEM 2
I T ZONE

CHM. PARISI:

Again, this legal appeared on January 31st and February 7th as with everything else here. And I'm just not going to say that another eight times tonight. I said it twice and it's going to be sufficient for the record, I think. Again, this is a proposal from the Commission so I'll have George explain it.

DIR. REIF:

All right. Actually, even though I put a map up, the actual introduction of a new zone doesn't require a map. That comes in the next item. The proposal is simply as stated. There is a section of territory in Middletown close to the Interstate Highway and hence the inspiration for the name. The land is valuable because there isn't much of it left. And the City and its tax payers invested a lot of money in making it usable through street roads, through utilities and what have you. And therefore, the land should be used for what I hope the Commission will think is its size and its best use. When it was originally zoned or the (Inaudible) zoned or several categories of industrial areas and the, I guess the one that seemed the most appropriate was selected for the area near the Interstate Highway. And that included a number of uses that take up a lot of land and don't necessarily produce a lot of revenue or jobs. An easy example of things that are permitted in the I-2 Zone that wouldn't be permitted in the Interstate Trade Zone and I'm not attacking any use but it is one that's easy to understand is the selling of automobiles. It takes a lot of land to sell automobiles but it doesn't necessarily produce jobs. And there are other places in town where that use is permitted. And therefore, what we've done is select from among the uses that are all ready permitted in the I-2 Zone and those which seem to be the most highest, that would be the most desirable to have in this new zone that is proposed.

CHM. PARISI:

I just have one question. Going along with this now, what type of a (Inaudible) would you allow...(Inaudible)

DIR. REIF:

Well, all the ones that are associated now with I-2 Zone is also a use that (Inaudible) ..that would seem to blend right in with this Interstate Trade Zone that involves transportation...(Inaudible)...additional accessory uses that would be permitted

CHM. PARISI:

(Inaudible)...accessory uses that, beyond that, that would be the only...

DIR. REIF:

That would be the only...

CHM. PARISI:

Corporate office, we allow there.

DIR. REIF:

Right.

CHM. PARISI:

I would think that the, that's probably one good thing that we should look to because I'm sure that maybe something that's wanted down the line.

DIR. REIF:

Right.

CHM. PARISI:

Any other questions from the Commission members? Any comments in favor of this proposal from members of the public? Anyone wishing to speak in opposition. If not, we'll close item two and go on to item three

ACTING SECRETARY LOWRY:

Item 3. Proposed amendment to the Zoning Map to redesignate the present I-2 Zone near I-91 to I T Zone (Interstate Trade Zone). Map showing the proposal is on file in the office of the Town Clerk.

ITEM 3
AMEND.TO ZONING
MAP-REDESIGNATE
I-2 ZONE NEAR
I-91 TO I T
ZONE

CHM. PARISI:

Is the ceiling going to fall down on us or what?

DIR. REIF:

There's a, there's a helicopter landing on the roof, I think.

CHM. PARISI:

I wasn't at the Civic Center...(Inaudible). Where's (Inaudible)?

DIR. REIF:

He's not here.

CHM. PARISI:

This to was proposed by the Commission and the staff, so I'll let George explain it.

DIR. REIF:

All right. Having introduced the concept that in the Zoning Code we're going to have this, then, then the next step is well where shall we, what area shall we designate. And obviously, we've been talking about it. The area that we propose to designate is the current I-2 area out near the Interstate Highway. And there's no proposal to change any of the boundaries but simply to designate the entire area as this I T Zone. Some place we have a map.

CHM. PARISI:

This picks up Raymond Engineering on the other side, right?

DIR. REIF:

Yes. You can see that by the purple.

CHM. PARISI:

Yes.

DIR. REIF:

The entire area is purple. (Inaudible). There's a detail map of the City which includes both the Corporate Office Zone and the current I-2 Zone which is proposed to be redesignated. And that again shows Raymond Engineer- ing right here. Here's the Interstate Highway. Here's the Country Club

DIR. REIF: (Continued from previous page)
interchange and there's the Cromwell interchange up there. We have on our map the, the buildings. The outline of the buildings that are actually there. Again, here's Raymond Engineering. There's Olin Ski. And may, you've seen the site plan for the Aetna property. You'll recognize the Aetna Building here and their computer center there. And it gives you an example on scale of those buildings in relation to the ones that are all ready there.

CHM. PARISI:

What's between the, the boundary of, of that I-2 now and the Corporate Office Zone? What's that land in the middle?

DIR. REIF:

Here.

CHM. PARISI:

That's R.

DIR. REIF:

That's R-1 there. Are residential buildings here. One wonders, this, this Commission and it's been that way for years. One wonders why the line was drawn where it is, but obviously if you live there, there's no question...

CHM. PARISI:

Well, (Inaudible)...that's Boardman Lane where..

DIR. REIF:

That's Boardman Lane. Right. Right. So that's why I'm stressing the fact that there's no proposal here to change the boundary. Everything is now I-2 as proposed to the designated now implied in specifically included in this would be eliminating something that you decided to do at one of the previous meetings. And that's allow banks in I-2 Zones. The banks would be allowed in this zone. They wouldn't be allowed in the I-2 Zones.

CHM. PARISI:

Why not?

DIR. REIF:

Well, if you want to leave them in you can. The answer to that...

CHM. PARISI:

All right.

DIR. REIF:

The answer to that, the answer to that is...

CHM. PARISI:

So where do you have them taken out?

DIR. REIF:

They would not be permitted in I-2 Zones. The I-2 Zones now, let's take a look at the overall map and see. The other I-2 Zones exist (Inaudible) here on South Main Street and up on Newfield Street.

CHM. PARISI:

When we, when the Commission allowed the bank to go into the I-2 Zone, Industrial Park Road...

DIR. REIF:
Right.

CHM. PARISI:
...That was a, a zone change for all of I-2.

DIR. REIF:
That's correct. That, that....

CHM. PARISI:
By changing this parcel to I T, I don't see how that takes banks, drive-in banks out of the other I-2 Zones that are there.

DIR. REIF:
Well, that's why I'm bringing that up.

CHM. PARISI:
Well, that's not on here for tonight.

DIR. REIF:
Well...

CHM. PARISI:
That would have to go to another public hearing.

DIR. REIF:
Well, you could say that but it's an inherent part of this proposal. If you want to leave them in the I-2 Zones...

CHM. PARISI:
Well, you know, I, I don't understand how it's inherent, all right, because when we, when you allow the bank into that area, you're going to, you said it was allowed in all I-2 Zones.

DIR. REIF:
Right.

CHM. PARISI:
All right. Now the fact that you changed this one from I-2 to I T, how does that negate banks to go in any of the other I-2 Zones?

DIR. REIF:
It does, if you decide that that's what you want to do, in when, when you come out with your notice of decision. You can make that decision. If you don't want to, you don't have to.

CHM. PARISI:
I, you know, I was not, I was opposed to a bank going in there to begin with.

DIR. REIF:
All right. O.k.

CHM. PARISI:
I would not, at this point, support taking them out of the I-2 because I think if you've allowed one bank to do it, you know, I don't think we should say, all of sudden, cut it off now and say, you know, well Farmers and Mechanics got it there. And nobody else can go anywhere else.

DIR. REIF:

Well nobody, we wouldn't cut them out of this, the, your Interstate Trade Zone.

CHM. PARISI:

No but you'd be cutting them out of the other I 2 Zones though.

DIR. REIF:

That's right. And that was part of the discussion when this thing....

(Inaudible) All speaking at one time.

DIR. REIF:

But be my guest, if you want to leave them in the I-2 Zone, that's....

CHM. PARISI:

Well, I just think that it's in unfairness to have to leave them in the I-2...

DIR. REIF:

I'm sure that that would attract banks. There's no question about it. And if you want to leave them, you're the Planning Commission.

CHM. PARISI:

Well, I didn't want them there to begin with but I'm not going to take them out now....

DIR. REIF:

I know. You were the, you were the opponent...

CHM. PARISI:

....because I don't think that's fair either.

DIR. REIF:

So far, that hasn't become effective because we set the effective date in March. And nobody's applied.

CHM. PARISI:

Well, I know that but...

DIR. REIF:

..So that there's nobody that's actually turned in an application but if you want to leave them in.

CHM. PARISI:

Well, it doesn't seem right to me to pull it out after you just allowed it. That's, that's my only concern.

DIR. REIF:

All you need is(Inaudible) ..a couple of votes and you got it.

CHM. PARISI:

Well, yes, but I don't see that, you know, that this is....

DIR. REIF:

No, it's not specifically spelled out.

CHM. PARISI:
(Inaudible)...specifically does that.

DIR. REIF:
No. No. It doesn't.

COMM. SBALCIO:
If you're going to pull them out then I think that you should go to public hearing so that at least the other banks or people who have a interest at least would have...

CHM. PARISI:
If you want to pull them out.

DIR. REIF:
If you want to, if you don't want to pull them out then we don't have to do anything.

COMM. SBALCIO:
Well, if we're going to make a move like that, then it should go over to a public hearing to speak on it.

CHM. PARISI:
That's right. Then, you know, it's going to be pulled out of I-2 completely, then..

COMM. SBALCIO:
I don't think that we should just make a decision, let people know how it's done.

CHM. PARISI:
Yes. O.k.

DIR. REIF:
And if, if you don't want to go do that then you don't do anything. You just let it ride. I'm not, I'm not an exponent of that one way or the other. It's just, you know, that was the implication that we got.

COMM. SBALCIO:
(Inaudible).....just as long as we let people change it.

DIR. REIF:
Yes.

COMM. SBALCIO:
(Inaudible) Too faint.

CHM. PARISI:
Any other questions from George as far as the mapping goes? Anyone from the public wishing to speak in favor of item three? The map? Anyone in opposition? Go to item four.

ACTING SECRETARY LOWRY:

Item 4. Proposed amendment to the Zoning Map to change area west of Walnut Street and Wall Street from R-3 to TD Zone (Transitional Development Zone). Map showing the proposal is on file in the office of the Town Clerk.

ITEM 4
AMEND. TO ZONING
MAP FROM R-3 TO
TD ZONE. WEST OF
WALNUT & WALL ST.

CHM. PARISI:

Again, this is also from staff and the Commission so, George?

DIR. REIF:

O.k. Here again is a map you just saw when when we were talking about the Central Business District. It happens to have the area that we're going to be talking about in Transitional Development. The map on the left is as is. This is the TD Zone so designated some years ago because it indeed is in the state of transition and it, threw to the Commission a lot more control than in most, other zones because everything that happens there, happens as a result of a special exception. The proposal shown on the right that's to extend this TD Zone over here to Walnut Street. And a lot a, let, let me say that it looks like a lot of territory but the truth of the matter is most of it is taken up by the road interchange here. Here's the Route 17 access to Route 9. And it really doesn't matter how that's zoned but you got to zone it somehow. So, it just looks like a lot of land being thrown in. The truth of the matter is what we're really doing is picking up some of the buildings that are down here and some of the uses here. And the primary goal is to give some other designation to this, the building which is attracted a certain amount of attention down here on Walnut Street. It's got a 17 or 20 non-conforming uses. Some of them will, it makes a lot more sense to have it designated and zoned as Transitional Development because at least that implies some business for commercial uses rather than the residential use that you get the impression that is that you have the designation R-3. This may or may not be the greatest designation but at least it's a step in the right direction. Planning Commissions aren't obligated to zone things the way they're used. And obviously, back in the 60's they hoped that the riverfront would be used for something different. But it didn't work out that way. And we're taking a step, proposing a step to come to grips with reality which is really working out and help it get better (Inaudible)..

CHM. PARISI:

The land between River Road though, when the river is..(Inaudible)

DIR. REIF:

You're right. It's still rising.

CHM. PARISI:

So really what you're talking about is from River Road back?

DIR. REIF:

Right. Correct.

CHM. PARISI:

Any questions, any other questions from the Commission members? Anyone from the public wishing to speak in favor of this proposal? Anyone wishing to speak in opposition? Move on to item five.

ACTING SECRETARY LOWRY:

Item 5. Proposed amendment to the Zoning Code to change parking requirements Section 40, Item 40.04.15 Office Buildings, Professional Building or Similar uses from present 1 space per 500 gross sq. ft. of building to 1 space per 300 gross sq. ft. of building.

ITEM 5
AMEND.TO ZONING
CODE-SECTION 40
40.04.15
PARKING REQUIRE-
MENTS.

CHM. PARISI:

This to is brought forth from the Commission, so George?

DIR. REIF:

Several years ago we went through a change in the parking requirements of the Zoning Code after a study had been made. Actually, these people from the University of Connecticut and we were concerned because it seemed like we were asking for too much parking geared toward some of the requirements in Metro South. And one of the proposals that was made then dealt with the amount of parking needed for office buildings. And at that time, the (Inaudible) was that the office buildings would require the same amount of parking as retail sales buildings. It was based on a number of (Inaudible) This happens to be one called Zoning, Parking and Traffic put out by Niel Foundation which for transportation which is, looks into what they're doing in other cities and different studies. And their recommendations also backed up by studies in urban land institute. So the proposal then was to have one space for every 300 sq. feet of both office and retail. I'm not saying that they go back and forth quite frequently though uses do vacillate. So if you have the basic requirement the same then you, it makes it easier to come up with the, the parking requirements. But somehow, the requirement got changed from one to three hundred to one to five hundred. And we had one proposal that come up recently that brought this to put it on the agenda. And that was a, a building on East Main Street that was converted from a former use to a office use that triggered the Police Commission to write and call my attention to the fact that they was sorry that it happened and it was too bad that we didn't know it in advance and what have you. So, I've used that as an example.

CHM. PARISI:

They approved it.

DIR. REIF:

I realize that but nevertheless

(Inaudible) Two speaking at one time.

DIR. REIF:

It did bring it back and since I was, since I was promoting the other use, the other arrangement, it does give us a good example. Here's the building. And they were required under the current regulations one space for every 500 sq. ft. to have 6 spaces which they do have in the back yard here. Two in the garage and four next to it, apparently isn't enough. Under this 1 for every 300, you need 10 spaces. Now ironically, they've got enough space in their back yard so the use would have been permitted. They just would have had to develop the back yard. This good use because it shows that you don't necessarily (Inaudible) interested in knocking out uses but they could have had, still used it and had more parking. And it still would have worked. And that's why promoting the idea that we go back to the one space for every 300 sq. ft. that's, that's more reasonable than 1 and every 500.

CHM. PARISI:

This would cover all zones?

DIR. REIF:

Yes.

CHM. PARISI:

B-3 included?

DIR. REIF:

The answer for that is no. The B-3 Zones eliminates off-street parking for most categories including offices.

CHM. PARISI:

That's, that's what I'm really concerned with...

DIR. REIF:

Yes. It would not, it would not change that aspect at all.

CHM. PARISI:

With the Redevelopment projects and, and the new one up on Washington Street...

DIR. REIF:

The Redevelopment project has to, all the uses in the Redevelopment project have to provide off-street parking. The rest of the Central Business District is excluded. The retail offices...

CHM. PARISI:

What about the offices, the new proposed office building on the corner of Main and Washington?

DIR. REIF:

It doesn't have to provide anything. That's excluded.

CHM. PARISI:

All right.

DIR. REIF:

And there's, there's no proposal to change that whatsoever.

COMM. CARTA:

(Inaudible)...question

CHM. PARISI:

Yes, Lou.

COMM. CARTA:

How do you see that affecting some of the older buildings like along Main Street that are getting rehabilitated for sometimes for the same use but frequently for different uses? And most of them are very sparse on land. The back yards have no property on, I'm concerned that, that those buildings get used or reused properly. (Inaudible)

DIR. REIF:

Right. The Middletown Zoning Code, as far as I can find out, stands alone in it's encouragement of adaptive uses of historic buildings. You were just talking about it. It's on Main Street. It's in in the B-3 Zone. And you don't have to provide any parking at all. You can't beat that. It's hard to argue if you don't have to put out any.

COMM. CARTA:

O.k. (Inaudible)

DIR. REIF:

You can look for an argument but it's tough to come up with one. We're suppose to be doing it through some other system. See.

COMM. CARTA:

That's what I wanted to be clear on (Inaudible) opinion on that (Inaudible)

DIR. REIF:

Oh yes. Oh yes.No, absolutely not.

COMM. CARTA:

A difficult condition along these ...(Inaudible)

DIR. REIF:

Oh yes. Yes. We also, if you have a historic building, it's possible not to provide any parking, you know. You go to far but we are that flexible in this code.

COMM. CARTA:

O.k. George. Thank you.

DIR. REIF:

O.k.

CHM. PARISI:

Any other questions from Commission members? Anyone from the public wishing wishing to speak in favor of the proposal? Anyone wishing to speak in opposition? If not, we'll move to item 6.

ACTING SECRETARY LOWRY:

Item 6. Proposed amendment to the Zoning Code to remove area of living spaces from definition of dwellings Section 16, Items 16.04.06 through 16.04.09.

ITEM 6
AMEND. TO ZONING
CODE-SECTION 16
ITEMS 16.04.06
THROUGH 16.04.09

CHM. PARISI:

George.

DIR. REIF:

O.k. The inspiration for removing this, this, or moving on, getting this out of the code came a week or so ago when I discovered that there's a proposal been introduced a bill in the legislature this session that would do just what we're talking about. And it makes a lot of sense. We're not using our code to prohibit housing or what have you but we have, among the things that we shouldn't have in the code is this requirement that as part of a definition of either a single family dwelling unit or a two family dwelling unit or a multiple family dwelling unit is the area. You can have a multiple family dwelling unit whether you have 500 sq. ft. of living space per family or not. And so, it isn't going to change the definition. It's just going to merely eliminate as part of the definition this requirement to have a certain area of living. The required area for living is in the housing code administered by the Health Department. So, it's, it's an idea whose come up to surface and along with some of these other things we're taking care of that seem reasonable to put that on the agenda. And get that cleared up also.

CHM. PARISI:

Any questions from the Commission? Anyone from the public wishing to speak in favor of this item? Anyone wishing to speak in opposition? Item 7

ACTING SECRETARY LOWRY:

Item 7. Proposed amendment to the Zoning Code to delete any drive-in facilities except banks, car-wash or gas stations.

ITEM 7
AMEND. TO ZONING
CODE RE: DRIVE-
IN FACILITIES

CHM. PARISI:
That's a good one.

DIR. REIF:

Now, the only reason I'm putting the zoning map up is we're through with the other map. The only, they're a couple of areas in this City where you can have drive up facilities. And basically their in the B-2 Zones. And the B-3 Zone, Central Business District, you can have drive ups for banks. In the R-4 Zone, you can^{have} a drive up for bank. It's limited to those. The reason this is on the agenda is that so far the Commission has shown little enthusiasm for any drive ups except banks in which you show a lot of enthusiasm. So, it doesn't mean that just because you've turned down two drive ins, that one for photo facility and the other for a food facility that you don't ever want to have them. But it, it, one does get the impression and this is if you don't want to have them, the way to do it is to take them out of the code. And there is a lot of merit in talking about that now. First of all, our Health Department suggested this some months ago that in order to help the pollution problem and in addition to the gas problem, you ought to do away with drive up facilities. It's, I can't say it's an idea that's sweeping the nation but it's certainly on, on the forefront of some of the thinking that drive ups are not the way to go. You have two cases. MacDonaldis on South Main Street and Fotomat on Washington Street that are still outstanding in court. And in the case of the Fotomat, the Commission member whose not on the Commission anymore, expressed what I think was the opinion of the Commission that the reason that you wanted to turn that one down is that you didn't want anymore. So, we're back to, if you don't want any, take it out of the code.

CHM. PARISI:
Any comments or questions from the Commission? Anyone from the public wishing to speak in favor of this proposal? Anyone wishing to speak in opposition?

MR. BOB FRANK:
Would that include mail boxes, library drop-offs..(Inaudible)

DIR. REIF:
No. I don't think so. You think you ought to be specific.

CHM. PARISI:
You mean you shouldn't have mail boxes.

MR. BOB FRANK:
Well, this is what it's saying right now.

CHM. PARISI:
Oh, o.k. All right. O.k., except banks, car wash....

COMM. LOWRY:
It says, it says drive-in.....

DIR. REIF:
You, you want to add, you want to add the mail boxes. O.k.,

COMM. LOWRY:

It says drive in facilities.

DIR. REIF:

Yes, I, I don't think that's...Yes, I think the ones on the curb...If you want to be safe we can put those in there. (Inaudible) mail box.

CHM. PARISI:

O.k.

DIR. REIF:

Pass that and nobody gets their mail, we're in trouble.

CHM. PARISI:

Yes. Nobody will talk. O.k. Item 8. I think you have to read (a) and (b) together.

SEE PAGE 15 FOR ITEM 8.

CHM. PARISI:

Item 8. I think you have to read (a) and (b) together.

ACTING SECRETARY LOWRY:

(a) and (b) together. All right.

Number 8. Proposed amendment to the Zoning Code to change lot area and width requirements in the Zoning Code Section 21 where public sewer is not available.

- a) Delete reduction of minimum lot width (frontage on street) and area to 100 feet and 20,000 square feet if only City water, but not sewer, is available.
- b) Add to requirement for, "other permitted uses" public sewer and water to qualify for minimum lot width of 100 feet and area of 20,000 square feet. And further to set requirement of 200 feet of lot width and 40,000 square feet of lot area if public sewer is not available.

ITEM 8
AMEND. TO ZONING
CODE RE: AREA
REQUIREMENTS
FOR LOTS
SECTION 21

CHM. PARISI:

And this to was, was brought forth from the commission. I guess in basic English, what we're saying is that if you don't have water and sewer, you have to have an acre lot instead of a half acre lot. Right? Is that...

DIR. REIF:

Very close.

CHM. PARISI:

Is that right? Is that where we are?

DIR. REIF:

Pretty close. Pretty close.

CHM. PARISI:

O.k.

DIR. REIF:

An acre's 43,560 and we're talking about 40,000....

CHM. PARISI:

We're pretty close to it.

DIR. REIF:

Right. Right now it's a lot easier to understand this if you look at page 48 of the Zoning Code which shows that if you have a, a lot shows clearly without sewer and water, you need 40,000 which is the rounded off acre and the 200 feet of frontage. And its, its been this way since at least 68. The drafters of the code the way it is now immediately gave you, cut it right in half, if you got either water or sewer which really avoids the issue. It's the problem as people know about, soils and everything is, is the septic system. And of course, that's what the goal of this proposed change is that, the, if ^{you} just have water you still have to have the septic system on your property, you really, unless you are fortunate and have unique soil you probably still need the 40,000 square feet. People, again this was adopted back in 68. People have learned a lot more about the problems of soil and septic systems and pollution and what have you and the water supply since then. And this would be a modest step in doing two things discouraging

DIR. REIF: (Continued from previous page)

development where there's no way to tie into a sewer and would also back up an elaborate program of which the City of Middletown would be quite proud of. And express on this map which shows where the parts of town are which are sewerred. Middletown is not a place where you can block out things because they don't have sewers because half the town is sewerred. And it's available. And the philosophy of taking advantage of the hours that are going into the sewer system make a lot of sense. It's almost guaranteed over a period of time that if people build houses and groups of houses where there's no sewer system that sooner or later, the City, the taxpayers are going to have to extend the sewers out to take care of because they will eventually fail. And so the, that's one of the reasons for instance, that the PRD's got the basic requirement. You can't have PRD unless you have water and sewer facility. And that's the, the proposal on that. It would not only require more area but it frankly would discourage development without water and sewer. On the (b), it just doesn't seem logical. And if you look at page 48 to see the requirements for dwellings, and then to see that if you have another permitted use which there are a number of permitted uses in the R-1 Zone that aren't residences or aren't dwellings. All of a sudden, it doesn't matter whether you have water or sewer or not. You're entitled to the benefit of dropping down immediately to 100 feet of frontage and the 20,000 square feet. So that, that's just a, a proposal to correct what must have been an oversight or the thought that every other permitted use would have water and sewer.

CHM. PARISI:

Any questions from commission members? Anyone from the public wishing to speak in favor of this proposal? Yes sir. If you'd give your name and address before you start.

MR. HUTCHINGS:

Name is Earle Hutchings. South Main Street. Middletown. And I'm in favor of seeing the one acre (Inaudible) go through. Just from my own experience of, I built my home. I have pretty near 800 feet of leeching field put in because of the soil conditions. And to try and put something like this on a half acre, sooner or later, it's going to fail, especially if you have a family of two or three children with continued use. There will be problems. My, my particular home is on a hillside. And it's going to flow downhill. I think if you looked in, like Killingworth and towns like Durham (Inaudible) smaller, building lots. They have problems. And they become the burden on the taxpayer because the towns has to step in and take corrective action. And it's a extra burden. (Inaudible)..one acre building lot to begin with would more than likely be sufficient to handle any type of problems pertaining to septic systems that would arise. Thank you.

CHM. PARISI:

Thank you Mr. Hutchings. Is there anyone else who wishes to speak in favor of this proposal? Is there anyone who wishes to speak in opposition?

MR. WAMESTER:

I'm Bill Wamester and I live at 1225 Randolph Road. I would like to make a comment concerning item 8 (a) on the public hearing notice concerning revisions to the Zoning Code, Section 21. Currently the Zoning Code requires a lot of just city water (Inaudible) to have a minimum of 100 foot frontage in a area of 20,000 square feet. The City, landowners and developers have worked within these perimeters for a number of years. Now the commission is proposing to expand these requirements to the same as if city water is not

MR. WAMESTER: (Continued from previous page)

available. This will not encourage developers to extend city water to a development because no lot size reductions will be granted in return. In addition, they will be decreasing the land available for housing in Middletown. This will then asseverate further the shortage of housing in Middletown. Finally, this proposal has not demonstrated merit. It is my understanding that a private sewerage disposal system with its reserve area will either fit or not fit in a area. The area required is dependent on the soil condition. If the sewerage disposal system will not fit properly, then the proposed lot would not be acceptable. The subdivision would then be rejected until it could be demonstrated that each lot will be served by its own sewerage disposal system. Expansion of lot frontage in area appears then to be an arbitrary revision of the Zoning Code. I respectfully request that this proposal be rejected. Thank you.

CHM. PARISI:

Thank you Bill. Sir.

MR. COHEN:

My name is Howard Cohen and I'm an architect who's representing a, a land owner in the Town of Middletown who's considering developing a piece of land that falls in this category. My client has been working in developing this piece of land for about a year now. And at this point has submitted plans based on the old zoning. Pretty much of what I had to say has already been said. But I would like to add to that, the additional fact that the cost of each lot would be increased substantially by the reduced density on the property. It would be approximately 40% fewer lots on the same amount of land. And that the prime reason for the one acre lots when you don't have water and sewer is to prevent from the contamination of the wells system by the septic system. But when you have public water, this consideration is not so important. And then the prime consideration becomes the soil types and the (Inaudible) system. And I request that this motion also be rejected.

CHM. PARISI:

Is their anyone else who wishes to speak against this proposal? O.k. if not we will close the public hearing.

(Inaudible) All speaking at once.

CHM. PARISI:

Oh. Sorry.

COMM. CARTA:

I have a, I have a feeling that I would like to express to the fellow commission members on this. I, I feel very strongly about what Mr. Reif is trying to do. And that is to eliminate septic system problems. I think that is, you know, in any city, on any area of the city without sewer that becomes a problem. Homeowners stuck on a lot that you cannot renew the septic system is in serious trouble, just as reoccurred in all over the state. Enough, so that it needs to be looked at and looked at seriously. 40,000 square feet is, is definitely recommended by the state health authorities to be able to renew the system, you know, in having adequate room. However, I have, I take some exception with their, with the total way of going about it. I think when you have water on a lot that's, on a small lot, you get in, into well interference, you get into a drawn out situation where you're pumping very heavily out of the underground water system. Pollution becomes a real problem. I think absolutely 40,000 square feet sometimes is not enough

COMM. CARTA: (Continued from previous page)

with 200 feet of, of lot width. I think if the developers willing to bring in the city water, I see no reason why you can give him some break on the lineal front footage of his lot. I still think 40,000 square feet is o.k. to go with. I think a lot in various shapes and forms can still be used. I do believe that we should look carefully at upping it to 200 front footage of road, very expensive proposition. And it does, I don't know that it does the City all that much good to have that much more road. I do believe in the 40,000 square feet, especially in areas that we have in this town that, that this, they don't, the septic systems don't work well. It gives the person (Inaudible) chance to renew the system once, twice possibly. But I would like the commission to have a serious look at, at the developers willing to bring in the water that he be given some cost benefit. And that would be dealt with through road front footage. It might get a little complex but I think that it's absolutely worth looking at. (Inaudible)...my comments on it.

CHM. PARISI:

Yes. Just item, question (b), you know, like a 100 foot on the road. I'd make the, the area of the lot 40,000 square feet anyways, so you'd have like a hundred by 400...

COMM. CARTA:

No. I don't believe that a hundred square foot, a hundred front foot on a 40,000 square foot lot works pretty well. I think you wind up with a string bean of a lot.

CHM. PARISI:

Yes. Yes.

COMM. CARTA:

I think that we could definitely up it. I question upping it to two hundred feet.

CHM. PARISI:

O.k.

COMM. CARTA:

I think, you know, we might look at 150 feet. We might look at some other figure but I think, I think that's definitely merits our, our looking at (Inaudible). I think we can accomplish what we want and still give something, some benefit to the, to the developer and also to the future homeowners to provide housing at a reasonable cost. The road costs that escalated due to petroleum cost and labor costs increased to nominal rate. We need to look hard before we (Inaudible). So I think we might accomplish both or at least all of one and some of another.

CHM. PARISI:

Is there anyone else from the public who wishes to comment?

MS. RENNA:

My name is Gloria Renna. I live on South Main Street. I'm for this proposal. I have six and a half acres of land of which two years ago I came against the Planning and Zoning Commission to have it redistricted because my frontage is only 57 feet. At the time I thought maybe I could put two houses on this piece of property but I was (Inaudible) enough to have one house be permitted to be put on this piece of property. And I had to put the property back 300, I had six and a half acres. I had to put the property, my house back 350 feet.

MS. RENNA: (Continued from previous page)

And this was mainly due to septic and sewers and water type of thing. I didn't want it to affect the people in front of me. Now, there's an awful lot of water that comes off of that hill. And I don't want, there's going to be houses that are going to put directly in back of where my house is and I don't want septic and sewers and that type of thing to interfere with my water supply, number one because there is a awful lot of water that comes off that hill. No one knows until they see it. It is also a water shed for Middletown, for Middlefield on which they come once a year. They check it to make sure that my septic system isn't running into the Laurel Brook Reservoir. And I'd like to have some guarantees that the houses that are put in back of my piece of property, their water, their septic system is not going to drain into my water supply. Now, if that meets with the rest of the crowd here fine but you know just because it's a big developer doesn't mean that, what's good for one isn't good for the other. I couldn't put two houses on six and a half acres of land and now just because it's a hundred and forty two acres of land, I can't see why the regular ground rules should be changed a little bit and have smaller pieces of property and bend the rules a little bit. I'd like to see this thing not passed.

CHM. PARISI:

Thank you. Anyone else wishing to speak either in favor or against? O.k.
We will close the public hearing.

ADJOURNMENT OF
PUBLIC HEARING

Mary Lee Dorflinger

Mary Lee Dorflinger
Transcribing Secretary

Paul P. Parisi, Chairman
PLANNING AND ZONING COMMISSION

APPROVED AT THE MEETING OF _____.