

Paul P. Parisi, Chm.; Dr. Eric G. Lowry, Vice-Chm.; Cos Giuffrida, Sec'y.; Walter J. Dreaher; Stephen T. Gionfriddo; Ralph H. Shaw, II; Alternates: George L. Augustine; Robert F. Chamberlain; Joseph H. Gaunichaux; Joseph E. Milardo

COMMISSION MEMBERS PRESENT

Seb. J. Passanesi; Mayor Michael J. Cubeta

MEMBERS ABSENT

Alternate Robert F. Chamberlain acted for absent Seb. J. Passanesi

ACTING MEMBER

George A. Reif, Dir.; RoseMary Fraulino, Recording Secretary

STAFF

Jeff Kotkin, reporter, Middletown Press; and approx. 10 people in the audience

OTHERS

Meeting called to order at 7:00 P.M. Vice-Chm. Lowry opened the meeting in place of Chm. Parisi. Alternate Comm. Chamberlain was appointed to act for Chm. Parisi. Alternate Augustine was appointed to act for Comm. Shaw. Both Commissioners arrived after the meeting had started.

MEETING CALLED AT 7:00 P.M. WITH APPOINTMENTS

VICE-CHM. LOWRY:

The meeting will please come to order. In the absence of Chm. Paul Parisi, Bob Chamberlain will sit in and in place of Comm. Passanesi, will be Tony Gaunichaux. O.K.?

DIR. REIF:

Counting: There's six, must be somebody missing.

VICE-CHM. LOWRY:

Biff Shaw. Shaw we did already. I'm sorry. George Augustine will be acting. Sorry about that George.

Alright I'll open the meeting of the Planning and Zoning Commission the first of the public hearing and the Secretary read the call.

SEC'Y. GIUFFRIDA:

THE MIDDLETOWN, PLANNING AND ZONING COMMISSION WILL HOLD A PUBLIC HEARING, FEBRUARY 13, 1980, STARTING AT 7:00 P.M., IN THE COUNCIL CHAMBER, MUNICIPAL BUILDING, DeKOVEN DRIVE, MIDDLETOWN, CONNECTICUT, to consider the following:

- 1. Proposal to delete from the Zoning Code Section 42, titled "Conversion of Dwellings".

DELETE FROM Z.C. SEC. 42-"CONVERSION OF DWELLINGS"

VICE-CHM. LOWRY:

This legal notice appeared in the Middletown Press on Saturday, February 2 and Saturday February 9, 1980. I think it's a proposal from the Commission. George please.

DIR. REIF:

Yes it is. Basically Section 42 permits...it's been in the Code ever since I've been here and I'll...since all the members of the Planning Commission have been members I doubt that anybody can really give us an explanation of why it is in there. It would permit single family dwellings units to be converted to a maximum of four-family units. Well known that we have other provisions in the Zoning Code for the Commission to make/determinations about whether or not there should be conversions. Obviously one of the key considerations is what zone the proposed unit that the building is in. This makes...the section makes no reference to zones what-so-ever and leaves to the Zoning Board of Appeals the decision. Frankly, back... it must have been included in the Code. I don't think the functions of the Zoning Board of Appeals were as clear as they might be now. That function of that Board is not to make decisions about land uses. So as part of a clean up arrangement we're suggesting that this be removed.

This particular section has not attracted any attention what-so-ever. Some of the other sections that are...as far as I'm concerned in the same basic category that cleaning up the Code a little bit had attracted attention it will appear as if they were timed for some particular event. They really were not. Just as this was not. We're talking about Section 42 "Conversion of Dwellings."

CHM. PARISI:

Any comments on Section 42. Is there any/^{one} from the public who wishes to speak about item 1 which is the conversion section of the Code? Anyone wishes to speak in favor? Anyone in opposition? O.K. close item 1. Sorry I'm late. We tried...Bob your sitting for me? Bob why don't you sit for Seb. Tony you can sit for Biff. George I guess you were out. You'll come first the next time. O.K. Item 2.

SEC'Y. GIUFFRIDA:

2. Proposal to delete from the Zoning Code all references to a major race track facility including item 44.08.25 and 61.02.18.

CHM. PARISI:

This is a proposal put forth by the Commission. George...

DIR. REIF:

Here again the proposal is to just eliminate these sections which were included in the Code as a results of a specific proponents interest. They were not developed by the Commission for any particular interest of the community. Obviously a person may make proposals to modify the Code. This person did and went through an elaborate process. There is every opportunity to complete-to complete his project as you recall given an approval and every opportunity to start his project came and went. It seems no longer necessary to have this proposal in the Code, as part of our continuing process to keep the Code a living document collecting the interest of Middletown and the needs and possibilities. It seems appropriate to remove two (2) sections and the other references in the Code and to delete them. Section 61.02.18 is the section that in the business and industrial area that permits the racetrack as a Special Exception. Item 44.08.25 is the section in the Special Exception part of the Code that delineates the specific requirements. All those requirements were specifically associated with the particular proposals I mentioned, was added to the Code for one particular proponent.

CHM. PARISI:

Comments or questions from the Commission. Is there anyone from the public who wishes to speak in favor of the removal of the racetrack section of the Code.

PETER FRENZEL:

Yes, I would like to share (inaudible. Papers moving unable to pick up part of his conversation.) I'm Peter Frenzel, and I live on Westfield Street in Middletown. I feel sort of silly up here I don't have all my supporters here. At one time Chm. of a group Citizen's Against the Racetrack (papers being moved in front of mike unable to pick up inaudible) I only want to say now my only interest is the timeliness..it would be nice to wrap this up and I certainly urge you passing...whatever it is I've forgotten it. Is it...George is it back to I-2.

DIR. REIF:

Yes it would revert to the other Special Exception.

866 East Street
Middletown, Ct.
February 11, 1980

City of Middletown
Planning & Zoning Commission
Middletown, Ct. 06457

Dear Commissioners:

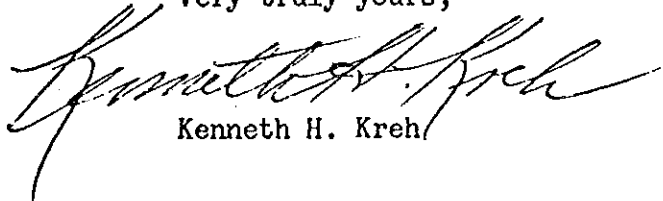
Recent releases indicating that the Aetna Life Insurance Company may build in Middletown's Industrial Area has been most welcome news for Middletown residents and taxpayers. It would be most difficult to find a more desirable tenant for that tract of land.

Never has an issue so polarized our city as the pros and cons of a racetrack. I hope you will look favorably upon the proposal to eliminate all mention of racetracks in the Middletown Zoning Code. In support of this proposition, I am enclosing a run down of the City's sad experience with "pie in the sky" promises over a five year period.

The article in the Press indicated also that Mr. Mooney is still interested in the land. However, Mr. Mooney kept the City and State dangling on a string for years and, unfortunately many gullible people went along with him. Certainly by now, even the most optimistic should realize that Mr. Mooney is not a dependable individual.

Let's give three rousing cheers for Aetna--our city could do no better.

Very truly yours,



Kenneth H. Kreh

enc.

OPEN COUNSEL LETTER--UP-DATED

Hfd. Courant, 6-30-77 Mooney seeks extension to buy two more parcels of land.

Hfd. Courant, 7-1-77 Mooney gets extension to Aug. 1 to buy City land.

Hfd. Courant, 8-9-77 Council gives Mooney until Dec. 31, 1977 to buy City land.

Mdtn. Press, 10-5-77 Sawmill Brook Racing Association assures State Gaming Commission it will complete all land purchases by Dec. 31 deadline.

Mdtn. Press, 11-3-77 Mooney tells state officials he is on the brink of financing 55 million dollar project. "Absolutely certain we will have our financing finalized soon--probably in 3 weeks."

Hfd. Courant, 12-30-77 Mooney's attorney says he is prepared to go through with land purchase.

Hfd. Courant, 12-31-77 Track attorney fails to show.

Mdtn. Press, 1-4-78 Mooney asks for more time, says he can't work miracles.

Mdtn. Press, 1-5-78 State Gaming Commission gives extension until 2-1-78.

Mdtn. Press, 1-6-78 MIDC grants new extension--2-28-78.

Mdtn. Press, 1-13-78 INFORM extends option until 2-28-78.

Mdtn. Press, 2-1-78 State sets date, April 5, for license revocation hearing.

Hfd. Courant 2-3-78 Mooney expects money from European Trust.

Mdtn. Press, 3-8-78 Mooney hopes to get backing from Texas Oil Group--feels he will meet Apr. 5 deadline.

Mdtn. Press, 3-16-78 MIDC putting track land on market.

Mdtn. Press, 4-5-78 Mooney claims backing from California.

Hfd. Courant, 4-13-78 Gaming Commission delays revoking license. Mooney claims new backers.

Hfd. Courant, 4-15-78 The citizens of Connecticut have no track, the Commission has no sense and Ronald Mooney still has his license.

Mdtn. Press, 5-10-78 Commission revokes track license. Mooney claims backing by Florida Mortgage Company.

Mdtn. Press, 7-27-78 Zoning Board gives developer reprieve. Mooney promises 2 million dollar financing in 2 weeks--gets 60-day extension.

OPEN COUNSEL LETTER---UP-DATED

- Mdtn. Press, 8-3-78 MIDC won't sell land to Mooney.
- Mdtn. Press, 9-28-78 Mooney fails to win Planning & Zoning extension.
- Mdtn. Press, 10-11-78 Mooney still unable to arrange financing.

Is it any wonder people have no confidence in their public officials?

PETER FRENZEL:

Back to the other Special Exception. That's what I strongly urge you to do. Thank you very much.

CHM. PARISI:

Is there anyone else to speak in favor. Is there anyone to speak in opposition of removing the racetrack section of the Code.

DIR. REIF:

We do have a letter. COPY OF LETTER ATTACHED TO THE PUBLIC HEARING TRANSCRIPT.

CHM. PARISI:

Since there is no further comment then we will close this portion and move on to item 3.

SEC'Y. GIUFFRIDA:

- 3. Proposal to increase control over solid waste handling and disposal by adding definitions, zones for permitted activity and related criteria.

ADDITION FOR ZONES FOR PERMITTED ACTIVITY AND RELATED CRITERIA FOR SOLID WASTE HANDLING AND DISPOSAL

CHM. PARISI:

This proposal has come forth from the Commission.

DIR. REIF:

In this case we have...

DIR. PARISI:

Excuse me before we start Biff is back and so Tony you'll be no longer...

DIR. REIF:

O.K. to get into the specific this again is one of those items that we have been thinking about. In this case we include the City Attorney improving the control over the management of solid waste. Ironically there have been series of newspaper articles in both local press and the Hartford Courant that almost look like we are reacting to what they are saying. We are not. I think first I'll read the proposed definitions and these definitions are from other sources other than ourselves. We did not try to invent various definitions. There are many of them, and doesn't seem to be any particular case where there's only one definition. But these are basically either from the City Attorney or from some other reliable source. These are the four (4) definitions we would add to it, Section 16.

SOLID WASTE

Unwanted or discarded materials, including solid, liquid, semi-solid or contained gaseous material.

SOLID WASTE FACILITY

Any solid waste disposal area, volume reduction plant or resource recovery facility operated by any municipal or regional authority or any person if such area, plant or facility handles more than five (5) tons a year of solid waste.

SOLID WASTE DISPOSAL AREA

A location utilized for ultimate disposal of wastes.

HAZARDOUS WASTE

Any waste material which may pose a present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed including hazardous waste identified and listed in accordance with Sec. 3001, of the Resource Conservation Recovery Act of 1970, Public Law 91-512.

DIR. REIF CONTINUING:

Those would be added to Section 16, the appropriate location according to their spelling of the word. In Section 61 which is Business and Industrial Zone Use Schedule it would propose add to Item 61.05 which is titled PROHIBITED USES the statement in Item 60.06 PROHIBITED USES which says:

Any use not specified as a permitted use, special exception use, accessory use, permitted home occupation use or use by temporary permit are prohibited uses.

What this means in simpler language is that there is a nice item in the residential section of the Code says, if you don't...if your use isn't listed then it is not a permitted use. As the Code now stands in the Industrial and Business Uses they have a list of prohibited uses. I'm proposing is that we list in Section 61 the same statement that is in Section 60 that says if your use isn't listed then it's not a permitted use. So that's a little simpler than it sounds. Then we want to add to the list of prohibited uses which is Item 61.05 PROHIBITED USES the statement:

The placement of any hazardous waste.

This would eliminate the concept of placing any hazardous waste in Middletown. Then in Section 61.02 SPECIAL EXEPTION USES we want to add that:

Soild Waste Facility are permitted in Industrial Zone the I-1, I-2, and I-3 Zones and Solid Waste Disposal Areas are permitted in the Industrial Zones the I-1, I-2, I-3 Zones. So basically we are talking about having as a Special Exception use.

O.K. as you well know as a Special Exception Use normally there is a criteria set up in Section 44 and we have a new subsection to be

- 44.08.32. 1. A solid waste disposal facility shall meet all requirements of the Connecticut Department of Environmental Protection.
2. The propoent shall submit information about the proposal's impact on:
 - a. ground and surface water conditions;
 - b. geology, soils, and topographic features;
 - c. solid waste types and quantities;
 - d. vehicular traffic, noise, and other potential nuisance conditions;
 - e. procedures for leachate, gas, and runoff control, and for the operation and monitoring of the facility;
 - f. the social, geographic, and economic impact of the facility on the neighborhood.
 3. The Commission may require evaluation reports from relevent professionals, including but not limited to geologists, hydrologists, and soil scientists.

We'll make copies of this and send it to each Commission Member.

COMM. AUGUSTINE:

George, that hazardous waste will that include that fly-ash that we gave Special Exception for at one time for Marino?

DIR. REIF:

We would have to check it against the list ...

COMM. AUGUSTINE:

Would we specifically call that out.

DIR. REIF:
You could if you want to.

COMM. SHAW:
Well what you are saying you don't know whether it applies or listed.

DIR. REIF:
In every case we would have to check with the Department of Environmental Protection.

COMM. SHAW:
George, I would like to see all lists if we can.

DIR. REIF:
We too, would like to see the list. We have discovered that the list does not exist. I know, we have said it's on the list.

COMM. LOWRY:
The new regulations are coming out in April.

DIR. REIF:
That is correct. They are still working on it. We are in that sense a little bit in advance of the material available at the State level.

COMM. SHAW:
I'm sure Mr. Augustine's concern about that because we do know fly-ash has a potential of being hazardous.

DIR. REIF:
You can add...

COMM. SHAW:
At the rate they live, and from which that's concluded, I don't think we-should be redone by starting listing things on our own.

COMM. LOWRY:
You have to mention this because it's hazardous as to...DEP?

DIR. REIF:
We can say that, yes.

COMM. SHAW:
We are concerned, but that's not part of the DEP list. Well it's there and that's why I would like to see that list.

DIR. REIF:
Now I got that definition including the reference to the list from the person in charge of the Industrial Waste Section in the 208 Program at Midstate. That's why I called and got the definition. That's why I hesitate to mickey mouse around with it.

CHM. PARISI:
Any questions or comments from Commission Members at this point? Is there anyone from the public who wishes to comment on the solid waste proposed changes to the Code? Is there anyone wishes to speak in opposition? If not, close item 3. Item 4.

SEC'Y. GIUFFRIDA:

4. Proposal to amend both the Zoning Code and map as well as the Plan of Development as it relates to the Miller/Bridge Street area now Zoned I-1 Industrial.

AMENDMENT TO
ZONING CODE &
MAP-RE:MILLER
& BRIDGE STS.
I-1 ZONE-ALSO
PLAN OF DEV.

CHM. PARISI:
This is also a I guess from...proposal from the Commission or concern that has been raised to the Commission by the Citizen's Advisory Council. George why don't you just give us a little background.

DIR. REIF:

First we are going to look at the Plan of Development. The map at the top left of this panel shows Bridge Street with a cul-de-sac at the end and Miller Street. This is the Arrigoni Bridge which passes up over this area. There's the Penn Central Railroad passing actually through the housing grouping. This is the way it shows on our Plan of Development enlarged obviously. There's the bridge again. Here's Miller Street, here's Bridge Street. Bridge Street is in the environmentally sensitive or open space area on our Plan of Development. Miller Street is in the industrial area. Remember this is the Plan of Development. This is...again the reason we're looking at this, there seems to be two factions about what the future of these housing complexes ought to be. We follow the Plan of Development as it is now, these areas would eventually be done away with but because there is an interest apparently in using Federal funds to recondition the houses they would be in conflict of both Plan of Development and you'll see in a minute--as you see here in a minute, in terms of the zoning. The reason... the key reason there for the Commission is to stimulate thought on the Commission members and possibly among the public to see whether or not the two extreme theories ought to be...shouldn't be brought together so that the people who make decisions/^{that}would go to one meeting...are making a decision contrast for the decision they think they're making at other meetings. O.K. that's the way it is on the Plan of Development and that's the way would be proposed. The meeting/ⁱⁿdensity area (inaudible) would be extended to include all the existing structures on both Miller Street and Bridge Street.

In the Plan of Development you call it residential. Now we get to the zoning. That's where you give it a number. Here's the aerial photograph which happens to fit in this corner again and shows the bridge, structures, Bridge Street, and Miller Street are highlighted in red. This is the way the zoning is currently, here's the bridge, here's the river and there is the two streets that we are talking about. The area between the river and the railroad is...not the railroad but the edge of the highway as shown as the river front zone and the rest of it is shown as is the grey industrial zone. The proposal is to extend the R-4 Zone to include the two areas Miller Street and Bridge Street area and leave the rest of the zone as it is. I've included this map/^{this}is one of a number of maps that shows the potential improvements/^{of}the roads system which was suggested back in 1974 by the Department of Transportation. Here's the Arrigoni Bridge. In the orange sections of the roads that already exists. Yellow lines shows roads that might be built to improve the transportation are raised and get rid of the traffic lights. You can see that the yellow area here with this one and this one will go right through some of the Bridge Street area. Every house on Bridge Street would be included in this ramp and that would also mean that the houses on Miller Street/^{would}be encircled by not only the bridge that exists now but a ramps system. That was frankly the basis of trying to discourage further investment by the people that live there. But time is indicated since it has been six (6) years since these things have been developed. Frankly nothing is going to happen and action in terms of making it possible to have Federal funds used to improve the houses sort of indicates that might be the right direction and so I'm shooting for and I'm sure the Commission is, is to end the conflict of ideology between a distribution of funds and what's shown on our planning documents.

COMM. SHAW:

George, where is the flood plain line.

DIR. REIF:

Well we did have a drawing that showed where the flood plain was, but...

COMM. SHAW:

Do you know approximately where?

DIR. REIF:

Basically the green area indicates that Bridge Street indeed might be in the flood area.

COMM. SHAW:

I guess the base of my question is even if we should do this I have no strong feelings about it. Would it prevent other fundings before. We've talked about the possibility of other fundings for all through it. One of the reasons they'd like to have that change are for at least to allow to apply for it. But if/it is in a flood prone area, but are were really accomplishing anything. I would think that all of Bridge Street and the lower section of Miller Street would be definitely in flood plain area. It is certainly low enough it's got to get-obviously the water has to get beyond the highway but it can do that even with the pumping station. It hasn't for a long time.

DIR. REIF:

Basically because the buildings were already there. That's the purpose of the flood insurance. They could remain there. There couldn't be any new ones added and if they were renovated and they could get insurance.

COMM. SHAW:

Privately renovated. What I'm questioning is whether they could get-whether if they really going to be able to get Federal funds to renovate in that area. I don't know the answer to that.

DIR. REIF:

I don't know the answer to that either but that's one of the things we want to bring out by/^{even}introducing this topic. It doesn't appear frankly to be an area that normally you would think about trying to preserve, but obviously there must be some strong feelings.

COMM. SHAW:

I understand the fact that the people lived there a long time, have some feelings about it. We see this often times in an older neighborhood. It is not unusual.

DIR. REIF:

I can't say that I'm an opponent of this change. I'm just trying to bring reality.

CHM. PARISI:

Any other questions or comments from Commission Members on this proposal? Is there anyone from the public who wishes to speak in favor of changing the Plan of Development and the zone as it relates to Miller/Bridge Streets? Is there anyone who wishes to speak in opposition? If not, we will proceed to item 5.

SEC'Y. GIUFFRIDA:

- 5. Application for a Special Exception to permit an insurance office Home Occupation at 915 East Street. Applicant Keith R. Baudis.

SPECIAL EXCEP-
TION-HOME
OCCUPATION
INSURANCE
OFFICE-EAST ST.
KEITH R. BAUDIS

DIR: REIF:

I don't know if there is anyone here to...

CHM. PARISI:

Is Mr. Baudis here? Do you want to come up.

DIR. REIF:

Suppose I tell you basically then he can join in. You recall that there was a time when anybody wanted a home occupation anywhere in a residential area had no problem all they merely came in gave \$10.00

got a certificate. The regulations have been changed so that now that any building or home that is in a R-1 Zone requires the granting of a Special Exception. That is why this is on the Agenda. The proposal that's specifically before you would use the...would have an office over a garage at this resident at 915 East Street that would be used as an insurance office. Going through all the forms/⁸¹⁰ sort out all the applications verifying the fact that there be no other people involved other than husband and wife and that there area that would be used in the home is less than 300 sq. ft. and what have you. It appears to met all the requirements of the Home Occupation part of the Code. They have provided us with a diagram showing how the space would be organized and what have you. However, that's part of the routine. It is essential that people act on it.

CHM. PARISI:

Mr. Baudis, did you want to ask or add anything else to that?

MR. BAUDIS:

That's it.

CHM. PARISI:

Is there anyone who wishes to speak in favor of this proposal. Is there anyone who wishes in opposition. This will close the public hearing. I'm sorry, excuse me. Any comments from the Commission.

COMM. SHAW:

Is this garage a part of the structure.

DIR. REIF:

It will be part of the house. Am I not correct?

COMM. SHAW:

Garage is attached to the house?

DIR. REIF:

Attached to the house.

MR. BAUDIS IS MAKING A COMMENT BUT NOT CLEAR ENOUGH ON TAPE BECAUSE HE IS IN THE AUDIENCE AND AWAY FROM THE MIKE.

COMM. SHAW:

The reason I asked is that the Home Occupation means that the activity is carried on in the house and not in a separate structure on the same property. I would be ill at ease having an office in a garage which is a separate structure and never having a (inaudible). I think that would be completely opposition to what are intended in the Code. That's why the purpose of the question I know nothing about the house, garage or anything else. It occurred to me when you said over the garage. Talking about such a situation.

CHM. PARISI:

Are there any other comments from the Commission? I'll close the public hearing. It's the normal policy of the Commission that items that are heard at the Public Hearing on any given night are not acted or voted upon at that meeting unless there has been a specific request to do so. I am not aware that any of the five (5) items have made that request. I will close the public hearing but if you're interested in any of the five (5) items the earliest there will be any decision taken on the items heard on the public hearing to-night will be the 27th of February.



Althea Rinaldi
Transcribing Secretary

Paul P. Parisi, Chairman
Planning and Zoning Commission

APPROVED AT THE MEETING OF _____