

Paul P. Parisi, Chm.; Eric G. Lowry, V-Chm.;  
Cos Giuffrida, Secretary; Dr. Christie McLeod;  
Vincent J. Loffredo; Ralph Shaw II; Seb. J.  
Passanesi; Mayor Anthony S. Marino.

COMMISSION MEMBERS PRESENT

George L. Augustine; Conrad J. Tyaack.

ALTERNATE MEMBERS PRESENT

Robert F. Chamberlain; Daniel Z. Shapiro.

ALTERNATE MEMBERS ABSENT

George A. Reif, Director; Florence Pelc,  
Transcribing Secretary.

STAFF

Phil Bauer, Eng. Public Works; Jeff Kotkin,  
reporter Middletown Press and approximately  
10 people in the audience.

OTHERS

The Public Hearing was called to order at  
7;30 by Chairman Parisi.

MEETING CALLED TO ORDER AT  
7;30 P.M.

Chairman Parisi appointed Alternate Conrad  
J. Tyaack to act for Comm. Shaw.

APPOINTED ALTERNATE TYAACK

CHAIRMAN PARISI:

This is a Public Hearing tonight and for every-  
body's benefit it has been the practice of the  
Planning and Zoning Commission that the item that  
is heard at a public hearing will not be decided  
upon that night unless there has been a special  
request for some reason to get acted upon imme-  
diately. The earliest that a decision would be  
made on any item would be at the next meeting of  
the Planning and Zoning or at least within 65 days.  
So the earliest any decision would be made on Bob's  
Surplus application or for the special exception  
for the store would be at the meeting to be held  
two weeks from tonight. I will ask the secretary  
to read the legal notice.

SECRETARY GIUFFRIDA:

THE MIDDLETOWN PLANNING AND ZONING COMMISSION WILL HOLD A PUBLIC HEARING FEBRUARY 14, 1979 STARTING AT 7;30 P.M. IN THE COUNCIL CHAMBER MUNICIPAL BUILDING DEKOVEN DRIVE MIDDLETOWN CONNECTICUT TO CONSIDER THE FOLLOWING:

ITEM 1 APPLICATION FOR ELEVEN SIGNS AT BOB'S SURPLUS INC.

ITEM 1.

Application for proposed amendment to Section 48.04 of the Zoning Code to permit eleven (11) signs instead of the current three (3) for commercial use. Applicant Christian D. Komp for Bob's Surplus Inc.

**DRAFT**

CHAIRMAN PARISI:

That was published on February 3 and February 10, 1979. Who is presenting this proposal? Before we go on let the record show that Commissioner Shaw has arrived and will resume his seat.

COMMISSIONER SHAW ARRIVED  
AT 7:32 AND RESUMED HIS SEAT

GLEN GORDEN:

My name is Glen Gorden and I'm here tonight on behalf of Bob's Surplus.

As it stands now they only allow three signs as long as you stay within the square footage by the front of your store. What we are proposing is.....what I'd like to propose is this....  
The eleven signs.....

CHAIRMAN PARISI:

Would you speak up a little.  
We're not picking it up on the tape.

GLEN GORDEN:

The way the law reads now is that it lets you have a maximum of three signs no matter what the square frontage is. It allows you the relationship between the square footage that you are allow is directly related to the frontage of your store. I think it's two times ... of your store is. Our store frontage is eighty-one feet, (81') which would allow us one hundred and sixty square feet, (162 sq. ft.). These signs that we propose meets the square footage which is less than 162 sq. ft. The ten small signs and the one larger sign comes to 162 sq. ft.

What we would like to propose is that we also have ..... that the amount of signs also be directly related to the frontage of the building.....so in our case we have eleven signs and 82 feet we'd like to put a proposal in to allow a sign for ever seven feet of frontage. So you will not only have your square footage directly related to your frontage but you will have the number of signs related to your frontage.

The way that the law now reads is if somebody had a twelve foot frontage he could have three signs on a twelve foot frontage, which would be approximately every four feet. So what we are asking for now is to have an allowance of every seven feet to make that also related.

CHAIRMAN PARISI:

You wouldn't be proposing any change to the three hundred

square foot max.

GLEN GORDEN:

No none at all.

It would be just like another condition onto what already is. Instead of having an arbitrary 3 sign limit, you make the limit directly proportional to the frontage of the building. And I said it would be 7 feet in our case, because 11 times 7 is 77 and the frontage is 81. That's why we came up with 7 feet.

COMM. LOWRY:

What is this seven feet you mentioned?

GLEN GORDEN:

Well the seven feet.....we have eleven signs I'm not saying that every seven feet there will be a sign, I'm saying.....it will be directly related. I'm not saying this is seven feet and this is seven feet or anything like that, what I'm trying to say is the overall control. I think it would be to difficult to say to someone that you would have to exactly proportion it..... another thing is that I think Middletown has a very unique Main Street. In that I mean the buildings are not uniformed and they all have a different character and we feel that this particular sign contribution for us....the entire front of our building into a prospective.

CHAIRMAN PARISI:

Thank you, do any of the Commissioners have any questions?

MAYOR MARINO:

I'm not so sure that I like the 7 sign principle. Those clearance signs you have stuck in the windows is twice as horrendous as what you show.....

GLEN GORDEN:

It just so happens that when that photograph was taken it was taken on a Saturday or Sunday morning during a clearance sale. It wasn't shown to you.....they come up and down.....

COMM. PASSANESI:

Are you going to light them up?

CHRIS KOMP:

We haven't any immediate plans in that. We haven't really talked about that, but if we were going to light it up it would be from here, (pointing to map).

CHAIRMAN PARISI:

Don't you have right now a couple of spot lights coming from the poles directing down onto the store?

GLEN GORDEN:

No we don't have any lights. It's just that it's lit...up that much that it looks like that, but there is nothing directing at our store or building.

COMM. PASSANESI:

That's why I'm asking that question at this time.....

GLEN GORDEN:

I honestly don't know at this time.

COMM. PASSANESI:

There's enough light coming from the street to light up the building.....

CHRIS KOMP:

We even turn the lights off in the store at night.

That's been Bob's policy.....not to light the store... to leave the lights on in the store.

CHAIRMAN PARISI:

Thank you. Are there anymore questions from the Commission? If not than thank you and I will ask the secretary to read the next item on the public hearing.

SECRETARY GIUFFRIDA:

ITEM 2

APPLICATION FOR A SPECIAL EXCEPTION TO OPEN A NEIGHBORHOOD STORE, IN AN R-I ZONE, ON MIDDLEFIELD STREET AT HENDLEY STREET. APPLICANT OLGA J. MARZALEK ET AL BY AGENT LUCY SCATA.

ITEM 2  
SPECIAL EXCEPTION  
NEIGHBORHOOD STORE  
in an r-I ZONE  
APPLICANT OLGA  
MARZALEK.

CHAIRMAN PARISI:

As with the first item this to appeared in the Middletown Press on Saturday the third and Saturday the tenth.of February, ]979.

Before I go on was there anyone who wished to speak in favor of Bob's ? Or in opposition? Thank you Connie.

Who is presenting item 2?

PAULA MARZALEK:

My name is Paula Marzalek and I'm part owner of the property that we are asking for the zoning change. I'm Lucy Scata and I'm and (INAUDIBLE)

PAULA MARZALEK:

One thing that I would like to say is that as the property stands now it has been used .... Inaudible) rather small lot. It has been a financial hardship as far as paying taxes and the upkeep of the property.

CHAIRMAN PARISI:

This was a store at one time right?  
And it's been closed for a number of years?  
And your Dad ran it?

PAULA MARZALEK:

Yes,my Father and Mother-in law.

MR. REIF:

Why don't you show us on this map here just where it is.

PAULA MARZALEK:

As it stands right now, the grocery store is right here, there is a small grocery store and this is Middlefield Street .....there is a rather large State highway I believe, rather wide, and there's property here, (pointing to map) and water running through here, there are no houses through here. And the house we own is right here.

COMM. LOWRY:

Which side is that, the north or.....

CHAIRMAN PARISI:

Point to where Starmill Pond is.

PAULA MARZALEK:

Starmill Pond is right here.

MAYOR MARINO:

What's that street right there.....

PAULA MARZALEK:

That's Hendley Street, that store is here right at the fork, right here.

COMM. PASSANESI:

How long has it been vacant now?

PAULA MARZALEK:

About five years.

CHAIRMAN PARISI:

What type of a store would you...a grocery store? You mean just bread and cold cuts, milk and that nature.

PAULA MARZALEK?

Yes.

COMM. LOWRY:

What is this zoned now?

CHM PARISI:

R-1. How long was the store in operation before...

PAULA MARZALEK:

About ten or twelve years.

CHAIRMAN PARISI:

That's what I thought, it's been there .

MR. REIF:

I think it would be useful as I pointed out to the lady that her application should include the answers to the requirements in the special exception category. There is one that is entitled neighborhood store use. It might be useful to stimulate the discussion for the Commission to refresh it's memory on what's suppose to be involved here. It says in 44.08.09

It says here in 44.08.09 Neighborhood Store Uses are permitted uses in all residence zones subject to the regulations of the zone in which they are located and in addition to the conditions hereunder:

A. A neighborhood store shall provide only limited convenience goods and services, such as groceries and related goods; baked goods, drugs or cosmetics; barber or beautician, services; self-service laundry (which is closed between the hours of 10 p.m. to 7 a.m.); and it goes on to tailoring, shoe repair; tobacco or news; and accessory uses, customarily incidental thereto shall occupy no more than twenty-five (25) percent of the gross floor area of the establishment;

B. The Commission shall find that space for such use is not available in nearby areas which are zoned for business, and that such new use or expansion of an existing use is necessary to serve the immediate neighborhood adequately with convenience goods or services, hereinabove described, giving due consideration, among other things, to the character of the neighborhood, the density of development, the shopping habits of neighborhood residents, and the availability of public and private transportation. The clustering of two or more uses of diverse types rather than scattering of such uses, shall generally be regarded as an advantage, but the existence of a use of the same type as one which is proposed shall require a more extensive showing of necessity for the proposed use. As a general rule, clustering of uses shall not exceed ten thousand (10,000) square feet of net floor area for all uses in a cluster;

C. The net floor area used for sales or other business purposes in any establishment (excluding space used for storage and similar purposes) shall not exceed one thousand five hundred (1,500) square feet;

D. Business shall be conducted, including storage of goods, materials or equipment in a fully enclosed building;

E. That no name plate or sign shall exceed one hundred (100) square inches in area;

F. Establishment of the drive-in type, offering goods or services directly to customers waiting in parked vehicles shall not be permitted.

So those are the requirements in addition to the ones that are standard for the special exception that the Commission should be considering. And I had suggested a really good way to show that there was a need in the neighborhood was to come up with a petition, although there is no requirement, but that would be a real good way to show that there was a need.

COMM. PASSANESI:

What about the parking. Is there going to be.....how many cars can you park....

MR. REIF:

The requirements in the Code turns out to be two spaces, and they can get 2 spaces, but there is a problem however, if you look at the site plan. This was a last minute input in order to get it in in time to put it on the agenda. The parking is shown so that 2 cars would have to back out and that is prohibited in the Zoning Code and that is the problem.

There must be a way to get the two cars in and turned around and come out again without backing out into the traveled way.

KEN MARZALEK:

As far as parking goes on the west side of the store there is at least 30 by 40 or 50.... that you can make a parking lot out of and there would be no questions about turning around. The fact that it's not there now.....but the land is there if you have to do it, you have to do it.

CHAIRMAN PARISI:

Is the land cleared and is it flat?

KEN MARZALEK:

Well it was a garden. It's not level with the road

COMM. PASSANESI:

Who owns the land across.....

KEN MARZALEK:

We do, well adjacent to the store.....

MR. REIF:

Even though the proponent does not own it, we went through our normal formality of sending the application to the owner, and got the owner to sign. We have a signature here.....

COMM. PASSANESI:

Is that lot big enough to .....for parking...

MR. REIF:

Well that's part of the discussion. It appears to be but there's a problem with some banks and wetlands and that sort of thing.

PAULA MARZALEK:

There is a very steep drop down to the river...

MR. REIF:

Obviously that is the problem, you can't....

KEN MARZALEK:

If you looked at it you'd know that wasn't the problem.

MR. REIF:

Well that's one of the problems obviously solvable, but the way the parking is shown it shows the two spaces but it doesn't show the solution....without backing out into the street.

PAULA MARZALEK:

So what your saying is that there is a way it can be done without backing out into the street.

CHAIRMAN PARISI:

I think what you are going to have to show is probably parking on that other side and actually ....some parking spaces so that you wouldn't be backing out onto the Main Highway. Unfortunately your not going to be able to overcome that type of the regulations, so you might want to take a look at the site plan and you can look at it over the next couple of weeks and then come back at the next meeting just to show how you propose putting in parking there. Because that's the problem.

PAULA MARZALEK:

I don't see why you couldn't park east to west, then you could pull forward into the street. There is no reason why it has to go this way.

CHAIRMAN PARISI:

I don't care how you do it, I'm just saying you can't show the parking space if someone drives in and then backs out onto Middlefield Street. If you can put it the other way where that wouldn't happen that's fine. But I think you've got to present a plan to the Commission which would show the parking spaces not coming directly onto Middlefield Street. I don't really care how you do it, that's for you to decide.

LUCY SCATA:

Do you want one or do we have to have 8 again?

MR. REIF:

Once you have one it's easy to print it and make one hundred and eight. We could of..... incidently held this up until we had that, but I decided not to, to move it along.

CHAIRMAN PARISI:

How many copies of the revised site plan would you want?

MR. REIF:

Well first of all the Commission has all of a sudden....and I gather given approval on seeing a site plan. These people shouldn't be encouraged to proceed to solve that issue if there is a bigger issue. And the bigger issue frankly is based on the Zoning Code and whether or not there is a need for a neighborhood facility in that area. Once you have made that decision then you work out the details. So the number of prints is even a minor issue.

COMM. LOFFREDO:

How many square feet are we talking about...  
How big is....

MR. REIF:

Well now that's one of the things that makes it a little different than if it were a new store. It's a building that is already there you see.

PAULA MARZALEK:

It's 20 x 30.

COMM. MCLEOD:

Are there any other stores in that area?

PAULA MARZALEK:

No. Well on Washington Street.

CHAIRMAN PARISI:

I think the closest neighborhood store is in Rockfall isn't it?

PAULA MARZALEK:

So if we got a petition how many names....

MR. REIF:

There is no requirement for....I was merely pointing out that, that would be a good way to show that the people in the neighborhood that they would like having one. If I was doing this I would win the case that way.

COMM. LOFFREDO:

The only question that I have is....I assume somebody is putting money into this in hopes to make somewhat of a living.

LUCY SCATA:

Yes, I am.

COMM. LOFFREDO:

Are you confident that this is something that is needed? What is your feelings about this? What kind of a store a grocery store?

LUCY SCATA:

Yes, a grocery store that sells cold cuts, bread, milk.....

COMM. LOFFREDO:

Have you done this before?

LUCY SCATA:

No. But my husband worked in a store for 20 years or more so he knows.

CHAIRMAN PARISI:

Any more questions?

MAYOR MARINO:

Is this Frank Marzalek's old store?

LUCY SCATA:

Yes.

COMM. LOFFREDO:

Are they going to come up with new site plans?

CHAIRMAN PARISI:

Well I think that George raises a good point. There is no point in asking either the owner or the proposed person who is going to run the store to spend anymore money if the Commission is not going to indicate that the proposal will be looked at favorably, although you don't have to do that tonight. Really I think that's up to the Commission. But if we are going to

look for more information relative to parking and how this thing is going to be set up, then I think your ...(Inaudible) saying that if you meet the requirements it will be approved. So I think we have to address that issue.

COMM. LOFFREDO:

I would think that.....it's an observation in my mind, that the convenience of a store in the neighborhood to get...(Inaudible) and fight that mess on 66 is an alternative. Just knowing where I live in relation to 66....(Inaudible) The other think is I'm wondering whether ..... who is in opposition from the neighborhood one way or another, that's an indication right there. Would you be open on week-ends?

LUCY SCATA:

Yes, probably half a day, from 7 to 12, noon.

MR. REIF:

The other factor is that the building is already there. Now if they were talking about building a new one than you'd probably get more opposition.

LUCY SCATA:

I can't see the problem with the parking.....

PAULA MARZALEK:

They need something that they can look at.....

MR. REIF:

Also the reason you need a plan is because somebody's going to have to do it and you can't go out there waving your hands around, you need a plan to see what your doing.

COMM. LOFFREDO:

I don't know if it's appropriate to offer this type of motion.....

CHAIRMAN PARISI:

I don't think a motion would be proper, I think basically what we are looking at is, should they proceed forward o k. I guess if I have to make a ruling from the Chair I don't seem to here from the Commission level that there's major opposition to.....if you do what's

required with the parking that chances are that it's going to be looked at favorably.

COMM. SHAW:

I don't believe what I'm hearing here. I just can't understand how you can go ahead this fast with what your doing. We haven't discussed this as a Commission and it's not normal to .....(Inaudible) with the proponent all the problems we have. You know I regularly oppose anything which imposes on R-1 zones. And I will continue to do so. This is not the first neighborhood store that we have talked about. We have talked about much further ..... from other areas of shopping than this one. I might be convinced, but I'm not going to be convinced from this kind of argument. And anything that encourages the proponent today ....and start spending more money and more time I think it's absolutely ridiculous.

COMM. LOFFREDO:

The question I have Mr. Chairman is at this point the Commission .....I'd like to see a plan first of all, and if a motion is not necessary than I would personally as a member of the Commission would like to see a detailed plan and include the parking. I believe earlier in the discussion a State Highway was mentioned and it would not be safe and so forth. So as a member of the Commission I would like to see a plan in detail with appropriate parking.

CHAIRMAN PARISI:

I don't have any problems with that, but George raised a good point which we started off on. Why put money into something that no way is it going to go. So before....I would recommend that before the applicant spend additional money, you might at this point do nothing until you find out what the Commission's feeling is. So as I said we haven't discussed it and we're not going to make a decision or act on it tonight. Possibly the best thing is to follow the Commission's thinking over the next meeting or next couple of meetings and then see if it's going to be worth while making additional investments on a site plan. So I think that was kind of the point Biff was trying to make wasn't it Biff or did I misread you?

COMM. PASSANESI:

I for one would take a look at it if the applicant wishes to.....pursue it further and get further information on it. I would be happy to... look at it.

COMM. LOFFREDO:

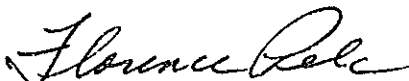
You stated that there would't be any problem with that 30 by 40 square feet lot on the one side of the building. Is it your proposal that that would be available for parking?

PAULA MARZALEK:

Right.

CHAIRMAN PARISI:

Are there anymore questions or comments from the Commission on this item?  
Is there anyone who wishes to speak in favor of this proposal?  
Anyone who wishes to speak in opposition?  
If not then we will close this public hearing.

  
Transcribing Secretary  
Florence Pelc

Paul P. Parisi, Chairman  
Planning and Zoning Commission

Approved at meeting of \_\_\_\_\_

**DRAFT**