

Chm Stephen T Gionfriddo, Sec'y Louis A Carta, Comm Steven J COMMISSION
Leinwand, Comm Vincent J Loffredo, Comm Sebastian Passanesi, MEMBERS
Comm Rose Sbalcio, Alternates: Comm Paul H Bixby, (Comm Bixby PRESENT
arrived at 7:05 PM, after Item 2.1) Comm Stephen Gadomski,
Comm Thomas E Hutton, Jr and Director of Public Works,
Salvatore Fazzino, Ex-Officio.

Mayor Sebastian J Garafalo, Ex-Officio, Comm Cos Giuffrida MEMBERS
and Comm Thomas J Serra. ABSENT

Commissioner Gadomski acted for absent Commissioner Giuffrida ACTING
on Public Hearing Item 1. Commissioner Bixby acted for MEMBERS
Commissioner Giuffrida on Public Hearing Item 2.

Dir George Reif, Hope Kasper and Patricia Michnowicz. STAFF

Lucas Held, Reporter Middletown Press, Ellen Abrams, OTHERS
Reporter WCNT Radio Station and 31 members of the audience.

CHM GIONFRIDDO

We'll now move to the Public Hearing and ask the Secretary to
read the Legal Notice.

SEC'Y CARTA

THE MIDDLETOWN PLANNING AND ZONING COMMISSION WILL HOLD A PUBLIC
HEARING, FEBRUARY 22, 1984, 7:00 PM, IN THE COUNCIL CHAMBER,
MUNICIPAL BUILDING, deKOVEN DRIVE, MIDDLETOWN, CONNECTICUT,
to consider the following:

Item 2.1 Proposed special exception to permit a rear lot in SPECIAL EX-
an R-1 zone located on the south side of Sisk CEPTION REAR
Street. Applicant/agent Edward C. White/ LOT SISK ST
T. Jackowiak E.C. WHITE
S84-4

The above Legal Notice to appear in The Middletown Press twice,
February 10th, 1984 on Friday and February 17th, 1984, also on
Friday. And the note was also put in the City Briefs, "MIDDLETOWN
RESIDENTS---See Planning and Zoning's Public Hearing Legal Notice
in tonight's Press." That's also February 10th, 1984 on Friday
and February 17th, 1984 on Friday.

CHM GIONFRIDDO

Thank you.

TED JACKOWIAK

Good evening. My name is Ted Jackowiak and I am speaking on behalf
of Mr. Edward C. White and his brother James. They own property,
thirty acres of property, that's located on Sisk Street between Sisk
Street and Higby Road. The property right now is all being farmed.
It's all meadow land. And they would like to cut out a lot, what is
a rear lot.

TED JACKOWIAK (Continued from Page 1)

Although, it more than conforms to all the requirements of the zone. It has 1.95 acres. It has eighty-four (84), almost eighty-five (85) feet of frontage. There is water and there is sewer. Although, a small part of this property along the street is located in the Inland, Wetlands, we have appeared before the Inland, Wetlands Commission and they have given their blessing. The rest of the lot is high and dry. It all slopes down toward that Inland, Wetlands property, land. The lot in question is going to go to Mr. & Mrs. White, who is the son and daughter-in-law of James, or Edward. I see no problems with this lot. There's plenty of room to put a house on it, and other than what I've said I have no more comment to make. I would gladly answer any questions that you might have.

CHM GIONFRIDDO

Do any members of the Commission have any questions?

COMM PASSANESI

Well, I would ...

CHM GIONFRIDDO

Commissioner Passanesi.

COMM PASSANESI

Well, George, do you see anything that you would like to tell us about or this site plan?

DIR REIF

No. I will refresh your memory. You saw a similar proposal one other time. They thought they had it all worked out. This appears to be even better because there's City water and sewer for this lot. Let me stress one thing. You did go to the Inland, Wetlands Agency and there's a letter from the Inland, Wetlands Agency to the Planning office that says that they've received an application for the construction of a driveway and a placement of sewer and water lateral on this property. So the Inland, Wetland Agency has approved the passing of your Wetland area. I just wanted to get that in the record. Thank you.

COMM PASSANESI

You see no reason why it shouldn't be approved then.

DIR REIF

No.

CHM GIONFRIDDO

Are there any other questions? I understand that you're looking for a vote on this this evening.

TED JACKOWIAK

We would like to get a vote on this. Mr. & Mrs. White had a commitment from the bank that has some time limits on it and it's important that we do this as quickly as possible.

CHM GIONFRIDDO

Thank you Ted. Does anybody from the public wish to speak in favor of this proposal? Does anybody wish to speak in opposition? If not, is there a motion to place this on the ...

COMM LOFFREDO

So moved.

COMM LEINWAND

Second.

CHM GIONFRIDDO

There's a motion and a second to place this as Item 6.3 on New Business. Is there a discussion? If not, all those in favor? Any opposed? (Vote was unanimous) It will be Item 6.3. Thank you. Secretary, read Item 2.

SEC'Y CARTA

Item 2.2	Proposed resubdivision of 3 lots located on the north side of Wadsworth Street between Rogers Road and Hendley Street in an R-1 zone. Applicant / agent Estate of Morris Haftel / Atty Philip Karpel	RESUBDIVISION WADSWORTH ST ESTATE OF M HAFTEL S84-6
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CHM GIONFRIDDO

Just to straighten out who's sitting now, Commissioner Bixby has come in so he will be sitting as the alternate in place of Commissioner Giuffrida, and Commissioner Gadomski will be back as alternate.

ATTY KARPEL

I wanted to make sure we're looking at the same map. Mr. Chairman, members of the Commission, my name is Philip Karpel. I'm an attorney. I practice law in Middletown and I reside in Middletown. And I'm here this evening representing the Estate of Morris Haftel, seeking approval for a three lot subdivision on Wadsworth Street. I believe, or at least I hope that you have all received the application together with the accompanying literature. If you haven't, and perhaps some of you haven't, I can just run through it very quickly because it's a simple application and a very brief presentation. The property is situated on the northerly side of Wadsworth between Rogers Road and Hendley Street. It has public water, sanitary sewer in Wadsworth Street and obviously, existing electrical lines and telephone lines. So all utilities are there. There's no new road construction involved. It's essentially a parcel of land that was left over from the fifties when the Knollwood Heights subdivision was developed. And I've attached as part of the exhibits that I submitted with the application, a portion of the Accessor's map that would probably give you a better view of where it's located, and I have the larger map here. I don't know if you people can see that but if I do it this way no one else is going to be able to see it so ...

ATTY KARPEL (Continued from Page 3)

I just want to give you an idea. This is an Assessor's map from the Middletown Assessor's office and essentially the parcel marked ... (Inaudible. Away from Microphone) ... I just want you to get the overview of Knollwood Heights and the lots that are in there. Principally, for the purpose of the section of the code which we're seeking to subdivide under of the Zoning regulations, it allows less than one hundred foot frontage if the lot is within a thousand feet where they've developed it under a hundred feet. And I can represent to you that the largest in there is about eighty (80) feet. And within a thousand feet in either direction there may be one or two parcels where you can see a hundred feet, or over a hundred feet. As a matter of fact, I think there's only one and that's a thousand feet. Two, but we own one, the city owns one and the third one's a development. Everything else is well under one hundred feet. Across the street, on the opposite side of Wadsworth Street, is the Snow School and Convent and Dave Mylchreest's house and then Laurel Grove Road, and there's a State Park. The provision of the Zoning Code that permits development less than a hundred feet per lot is Section 21.07. And that section states that new subdivisions along existing city streets may be approved by the Commission to have the same frontage and area as existing lots within a thousand feet of those if those lots, that is the existing lots, were established prior to 1982, which those lots all were, and if the new lots have both sewer and water, which they do, and provided that no new lot shall have a frontage less than fifty feet, they're each 80.01 feet, and an area of not less than 7,500 square feet, and each of the three proposed lots exceeds the 7,500 foot requirement substantially. In the application that I submitted, I indicated that there's an existing drainage pipe that will run through two of the lots, and it's shown on the map if you look at it. Ideally, if that were going to be relocated, it would make sense to put it down the middle of lots 2 and 3, essentially on the property. When I say in the middle, I mean the common boundary line between lots 2 and 3. However, it's not going to be changed in location and consequently we've made arrangements for an appropriate twenty foot easement which we have no objection, obviously, of giving the City, so that in the event there is going to be an expansion in that area there'll be an existing City easement. There presently is no easement to maintain that in favor of the City. One of the maps, maybe Mr. Reif will point out to you, is going to show that the Inland, Wetlands area appears to go and cover both, or all three of our lots. That is not correct. I'll pass out to you, and would ask that it become part of this application, two documents. One is a letter from Bill Kuehn, the Municipal Development coordinator, acting in his capacity as the Director of Inland, Wetlands for Middletown, which I'll read to you. It's dated May 5, 1983 and it's addressed to Mr. Carl Haftel. "Dear Mr. Haftel: As you know, the Inland Wetlands and Water Courses Agency at its meeting of May 4, 1983 approved your application for a permit. As a part of that action, the Agency has at the recommendation of the Soil Conservation Service modified the inland wetlands boundary on your property. This letter and permit serves to notify you that the new wetlands boundary is as recommended by the Soil Conservation Service. The formality of modifying the maps will occur at a later date. Attached please find your permit ..." (See Exhibit P-1)

ATTY KARPEL (Continued from Page 4)

I am going to submit to Mr. Reif sufficient copies for everybody, one of which I'd ask be left in the record of that letter and the permit that was granted. (See Exhibit P-2) The purpose of granting the permit was that although the wetlands line was re-defined to move it back off of our property, construction would naturally cause run-off into the wetlands area. And therefore, the permit required that during the course of construction certain criteria be met, such as hay baling and whatever else may be set forth in the permit. That's it. If you have any questions, I'd be happy to try to answer them.

CHM GIONFRIDDO

Do any members of the Commission have any questions?
Commissioner Passanesi.

COMM PASSANESI

Attorney Karpel said a twenty (20) foot easement yet his drawing says a ten (10) foot easement.

ATTY KARPEL

Oh I'm sorry. I think I jumped ahead. Thank you Seb. It's a ten (10) foot easement. I'm not sure whether more is required. Sal, did you submit. George, is there a letter from Public Works?

DIR FAZZINO

We recommended twenty (20) feet but that's an existing system so ...

ATTY KARPEL

The problem with going to twenty feet would be only that, and this is something that we could do provided that the line as you look at it on lot 2 would have to remain ten (10) feet from the center of the existing pipe as it encroaches on lot 2 and becomes wider on the other side, if you follow what I'm saying, so that the pipe would not run down the center of the twenty foot easement. The reason for that being that, if you made it twenty feet, if you made it ten feet to either side of the pipe, you would encroach too far onto lot 2 and it would make difficult the location of a house there. But if a twenty foot easement is not necessarily required at the present time, we would just as soon leave it at ten feet. As Sal mentioned, it's an existing pipe and it's not something that would be constructed.

CHM GIONFRIDDO

Are there any further questions? Commissioner Loffredo.

COMM LOFFREDO

Did you say the easement would be relocated or ...

ATTY KARPEL

No. It will stay. Let's go back a second. In the Purcell Associates study, there was a recommendation as they did for the entire City that certain drainage areas be up-graded.

ATTY KARPEL (Continued from Page 5)

They've made a recommendation that this existing twenty-four inch pipe be up-graded to a three foot (3') by six foot (6') box culvert, which is a significant up-grading. The City has absolutely no intention in the immediate future of doing that. If that were going to be done, and I've checked with Public Works and it's not going to be done, I suggested that the line be relocated to run down the common boundary line. Since it's going to remain as is, our plans are to leave the ten foot easement, leave the pipe, and if someday in the distant future there's an up-grading, the problem will unfortunately have to be tackled then as will the rest of the City's problems.

COMM LOFFREDO

I'm just wondering, in terms of your recommendation, at such time as the pipe is replaced by the City, the applicant recommends that it be relocated to run along the common boundary, lots 2 and 3. Would you be willing to have that understanding be written in, in terms of if and when that ...

ATTY KARPEL

Yes. In fact, that's exactly why we offered it, so if it ever came to ... I think that, from a practical point of view, that's not going to occur. In conversations I've had with the Public Works Department, in order to change the location they'd have to change, if you notice it runs under the street, the other side, there'd have to be an awful lot of movement on the other side of the street. But we certainly, if you would so desire like a notation to that effect. But the problem is going to be. I suppose we could convey it subject to the right of the City to acquire the easement at a future date or to relocate it at a future date. I just don't know whether it would be really needed at this time then.

COMM LOFFREDO

Maybe, through the Chairman to Public Works Director, any further comment on the easement question?

DIR FAZZINO

It would be desirable to dedicate it at a future date and the negotiations would be much easier. We can live with the way it is now, but leave the door open for future relocation.

COMM LOFFREDO

You would have no problem with that?

ATTY KARPEL

No. What I could do is, if that were made a condition, I would submit a revised map that would show the existing ten foot, and then a proposed ten foot to either side of a centerline, which would automatically be the City's right to acquire without payment at such time as the line, if at all, was to be relocated. Because that would do nothing to further encumber either of those two lots because as you can see, the pipe pretty much follows the line anyhow.

CHM GIONFRIDDO

Are there any further questions? Thank you, Phil. Any member of the public wishing to speak in favor of this proposal? Any member wishing to speak in opposition? If not, we'll close the Public Hearing on Items 1 and 2 and we'll move on to Item 3, which is Discussion with The Public.

COMM LOFFREDO

Mr. Chairman, would you entertain having this being 6.4 under New Business? This item.

CHM GIONFRIDDO

Is that a motion?

COMM LOFFREDO

I would so move.

CHM GIONFRIDDO

Is there a second?

COMM LEINWAND

Second.

CHM GIONFRIDDO

There's a motion and a second to have this as Item 6.4 under New Business. Is there any discussion? If not, all those in favor? Any opposed? (Vote was unanimous, in favor.)

ADJOURNMENT 7:20 PM

ADJOURNMENT

Respectfully submitted,

Patricia Michnowicz

Patricia Michnowicz, Transcribing Secretary

Stephen T. Gionfriddo, Chairman
Planning & Zoning Commission

Received at the meeting of _____