

PLANNING AND ZONING COMMISSION REGULAR MEETING FEBRUARY 24, 2010, 7:00 P.M. PAGE 1 OF 4

Chm. Quentin Phipps, Comm. Richard Pelletier, Comm. Les Adams, Comm. Catherine Johnson, Comm. Nicholas Fazzino, Comm. Carl Bolz, Comm. Ken McClellan (seated), Comm. Michael Johnson (seated)

MEMBERS  
PRESENT

Comm. Barbara Plum, Comm. Daniel Russo, Mayor Sebastian Giuliano, Ex-Officio, Asst. Dir. P.W. Robert Dobmeier, Ex-Officio

MEMBERS  
ABSENT

Michiel Wackers, Deputy Director

STAFF

There were thirty (30) members of the public present. There is a word for word DVD recording of the meeting on file and available in the Planning Office.

PUBLIC

The Pledge of Allegiance was recited at 7:04 p.m.

ITEM 1  
PLEDGE OF  
ALLEGIANCE

Comm. Nicholas Fazzino read a prepared statement into the record. A motion to nominate Comm. Quentin Phipps as Chair was made by Comm. Nicholas Fazzino and seconded by Comm. Les Adams. The passed unanimously.

ITEM 1a  
ELECTION OF  
OFFICERS

Roll Call was conducted.

ITEM 2  
ROLL CALL

No items were removed from the agenda.

ITEM 3  
ITEMS RE-  
MOVED FROM  
THE AGENDA  
AND WHY

A member of the public commented on the proposed animal ordinance and got off the topic.

ITEM 4  
PUBLIC  
COMMENT ON  
ITEMS

Michiel Wackers indicated that the public hearing sign for Item #6.1 was in place and posted.

ITEM 5  
ZEO SIGN  
CERTIFICATION

Acting Police Chief Patrick McMahon commented. Middletown Fire Chief Gary Ouellette commented. Middletown Deputy Fire Marshal Al Santostefano commented. From the public, Ahore Kerdman commented about entertainment. Atty. Ralph Wilson commented. On motion and second by Comms. Carl Bolz and Michael Johnson the Commission closed the public hearing. Vote was unanimous. A motion to grant a Special Exception for an expansion/modification of the Special Exception approval for The Public nightclub located at 337-351 Main Street was made by Comm. Nicholas Fazzino and seconded by Comm. Ken McClellan. Comm. Nicholas Fazzino offered a friendly

ITEM 6.1  
GRANTED A  
SPECIAL EX-  
CEPTION FOR  
AN EXPANSION/  
MODIFICATION  
OF THE SPECIAL  
EXCEPTION AP-  
PROVAL FOR  
THE PUBLIC

amendment that the approval be preliminary. The friendly amendment was rescinded. A roll call vote was taken by Chm. Quentin Phipps and the motion passed unanimously. Applicant/agent The Public aka Main St. Productions, LLC/Ralph E. Wilson, Esq. SE2009-24

NIGHTCLUB LOCATED AT 337-351 MAIN STREET

On motion and second by Comms. Richard Pelletier and Ken McClellan the Commission opened the public hearing. Vote was unanimous. From the public, Ms. Nichols commented. Jon Hall, Connecticut Farm Bureau, commented. Barbara Kioski, Milldale Farms and Middlesex Farm Bureau, commented. Diane Moses commented. Stephen DeVoto commented. Ron Borelli commented. On motion and second by Comms. Michael Johnson and Les Adams the Commission closed the public hearing. Vote was unanimous. Comm. Catherine Johnson discouraged the Commission from passing it, indicated that it was poorly written and commented that more time should be taken to study the matter but not until after July. A motion to not adopt Ordinance No. 50-09 Article I Keeping of Certain Animals Restricted as written pending further recommendations from this Commission was made by Comm. Ken McClellan and seconded by Comm. Nicholas Fazzino. Comm. Ken McClellan offered the following friendly amendments: 1) Section A – reword to read “a fence to prevent any part of an animal from crossing the property line”; 2) Section B – needs to be clarified; 3) Section E – change to three hundred (300) feet from existing building; 4) Section G – change to read “one (1) acre of usable pasture”; 5) Section H – needs to be revisited. What other animals should be included. Reference should not restrict our farmers; and 6) add Section L Preventive measures to be installed to protect neighboring properties. Comm. Les Adams offered a friendly amendment that a set of drawings be included. Comm. Ken McClellan offered a friendly amendment that animals be kept for commercial purposes. Comm. Michael Johnson offered a friendly amendment that Sections C and D be kept but that Section B either needs to be clarified or scrapped. Chm. Quentin Phipps offered a friendly amendment that there be a hardship or a grandfather clause to allow existing farms to continue. Comm. Catherine Johnson offered a friendly amendment that many items conflict with the Connecticut Right to Farm Law (C.G.S. 19a-34). The main motion as amended passed unanimously.

ITEM 6.2  
GAVE A  
NEGATIVE  
RECOMMEN-  
DATION OF  
ORDINANCE  
NO. 50-09,  
ARTICLE I  
KEEPING OF  
CERTAIN  
ANIMALS  
RESTRICTED

Len Leibenhaut commented on the request. Chm. Quentin Phipps commented. On motion and second by Comms. Ken McClellan and Richard Pelletier the Commission approved a request for a one (1) year extension of the Site Plan Approval for an office building to be located at 306 Industrial Park Road. Vote was unanimous. Applicant/agent Atty. Ralph E. Wilson SPR2008-96

ITEM 7.1  
APPROVED A  
REQUEST FOR  
A ONE (1) YEAR  
EXTENSION OF  
THE SITE PLAN  
APPROVAL FOR  
AN OFFICE  
BUILDING TO BE  
LOCATED AT 306  
INDUSTRIAL

PARK ROAD

On motion and second by Comms. Nicholas Fazzino and Les Adams the Commission took a five (5) minute break at 9:34 p.m. Vote was unanimous. The meeting resumed at 9:39 p.m.

The applicant presented the proposal. Comm. Catherine Johnson commented that the Commission should keep this application in the back of their minds when they re-write the Zoning Code on what not to do. On motion and second by Comms. Richard Pelletier and Les Adams the Commission granted Site Plan Approval to demolish an single family dwelling and to construct a 12,000 sq. ft. industrial building at 754 Middle Street near the intersection with Timber Ridge Road with the condition that all departmental comments be addressed. Vote was unanimous. Applicant/agent DelFavero Designs, LLC SPR2010-6

ITEM 8.1  
GRANTED SITE  
PLAN APPROVAL  
TO DEMOLISH  
AN EXISTING  
SINGLE FAMILY  
DWELLING AND  
TO CONSTRUCT  
A 12,000 SQ. FT.  
INDUSTRIAL  
BUILDING AT  
754 MIDDLE  
STREET NEAR  
THE INTER-  
SECTION WITH  
TIMBER RIDGE  
ROAD

On motion and second by Comms. Ken McClellan and Richard Pelletier the Commission gave an affirmative G.S. 8-24 Review to allow the City to enter into a lease agreement with Joseph LaBella at the former Remington Rand building located at 180 Johnson Street. Vote was unanimous. Applicant/agent City of Middletown Economic Development Committee

ITEM 8.2  
GAVE AN AF-  
FIRMATIVE  
G.S. 8-24 RE-  
VIEW TO  
ALLOW THE  
CITY TO EN-  
TER INTO A  
LEASE AGREE-  
MENT WITH  
JOSEPH LA-  
BELLA AT THE  
FORMER  
REMINGTON  
RAND BUILD-  
ING LOCATED  
AT 180 JOHN-  
SON STREET

John Moore presented his request. On motion and second by Comms. Nicholas Fazzino and Michael Johnson the Commission granted G.S. 14-54 Location Approval for a New Car Dealer for Fat City Customs located at 180 Johnson Street. Vote was unanimous. Applicant/agent Fat City Customs/John Moore

ITEM 8.3  
GRANTED G.S.  
14-54 LOCATION  
APPROVAL FOR  
A NEW CAR  
DEALER FOR  
FAT CITY CUS-

TOMS LOCATED  
IN THE FORMER  
REMINGTON  
RAND BUILDING  
AT 180 JOHNSON  
STREET

No one spoke.

ITEM 9  
PUBLIC  
COMMENT  
ON TOPICS

The following changes were noted: 1) On Page 3, under Item #8.3, in the first line, change "Richard Pelletier" to "Ken McClellan"; and 2) On Page 4, under Item #10.3, in the second sentence change to read: "Comm. Catherine Johnson commented on a rail application before the MidState Regional Planning Agency and the Plan of Conservation and Development Committee meeting on January 28, 2010". On motion and second by Comms. Ken McClellan and Les Adams the Commission approved the minutes of the January 27, 2010 regular meeting as amended. Vote was unanimous.

ITEM 10.1  
APPROVED THE  
MINUTES OF  
THE 1/27/10  
REGULAR  
MEETING AS  
AMENDED

Comm. Carl Bolz recommended that the Zoning Enforcement Officer's Report be tabled until Bruce Driska can attend the meeting. On motion and second by Comms. Ken McClellan and Michael Johnson the Commission tabled the Zoning Enforcement Officer's Report until the next meeting. Vote was unanimous.

ITEM 10.2  
TABLED THE  
ZEO REPORT

Chm. Quentin Phipps commended Comm. Catherine Johnson on the Plan of Conservation and Development and commented on the continuance of the Plan of Conservation and Development and the scheduling of workshops on Thursday, March 4, 2010 at 6:30 p.m. in Room 208 and on Tuesday, March 9, 2010 at 6:30 p.m. in Room 208. Comm. Michael Johnson commended Comms. Carl Bolz and Nicholas Fazzino on the ID badges. Comm. Nicholas Fazzino requested that staff push the ID badge request forward.

ITEM 10.3  
OTHER COM-  
MISSION  
AFFAIRS

On motion and second by Comms. Ken McClellan and Nicholas Fazzino the Commission adjourned the meeting at 10:05 p.m. Vote was unanimous.

ITEM 11  
ADJOURNMENT

Respectfully submitted,

Michiel Wackers, AICP  
Deputy Director