

Chm. W. Lee Osborne, Comm. Carl Bolz, Comm. Anthony J. Vasiliou, Comm. James Fortuna, Comm. Corrine Dorsey, Comm. Jeffrey Pierce, Comm. Ron Klattenberg, Comm. William Hohenstein, Jr.

COMMISSION MEMBERS PRESENT

Comm. John Perzan, Comm. Carl Chisem, Mayor Maria Madsen Holzbert, Ex-Officio, Dir. P.W. Salvatore Fazzino, Ex-Officio

COMMISSION MEMBERS ABSENT

William Warner, Planning Director, Thomas Nigosanti, Chief Engineer

STAFF

There were approximately thirty members of the public.

PUBLIC

On motion and second by Comms. James Fortuna and Carl Bolz the Commission approved the minutes of the January 24, 1996 meeting. Vote was unanimous.

ITEM 2.1 APPROVED MINUTES OF 1/24/96 MEETING

The Commission acknowledged the ZEO Sign Report.

ITEM 3.1 ACKNOWLEDGED ZEO SIGN REPORT

Comm. Carl Bolz commented. The Commission acknowledged the ZEO Monthly Report and accepted Comm. Bolz's comments.

ITEM 3.2 ACKNOWLEDGED ZEO MONTHLY REPORT

On motion and second by Comms. Ron Klattenberg and James Fortuna the Commission tabled the Review of the By-laws until the end of the meeting. Vote was unanimous.

ITEM 3.3 TABLED BYLAWS UNTIL THE END OF THE MEETING

On motion and second by Comms. Ron Klattenberg and James Fortuna the Commission tabled discussion on the Land Use Fees until the end of the meeting. Vote was unanimous.

ITEM 3.4 TABLED DISCUSSION ON LAND USE FEES UNTIL THE END OF THE MEETING

On motion and second by Comms. Anthony Vasiliou and James Fortuna the Commission granted final approval for Meadow View Subdivision located on Long Hill Road with the condition that a cash bond in the amount of \$35,000 and that all departmental comments be addressed. Vote was unanimous. Applicant/agent Buck & Buck, Engineers/ Lawrence Buck S93-18

ITEM 4.1 GRANTED FINAL APPROVAL WITH CONDITIONS FOR MEADOW VIEW SUBDIVISION ON LONG HILL ROAD

On motion and second by Comms. Anthony Vasiliou and James Fortuna the Commission tabled a request for release of the cash bonds for Phase I and II and reduction of the cash bonds for Phases III and IV of The Hunt Club Subdivision. Vote was unanimous. Applicant/agent Bennett & Smilas Engineering, Inc./Michael J. Bennett, L.S. S87-44

ITEM 4.2  
TABLED REQUEST FOR  
RELEASE OF THE CASH  
BONDS FOR PHASE I AND  
II AND REDUCTION OF  
THE CASH BONDS FOR  
PHASES III AND IV OF  
THE HUNT CLUB  
SUBDIVISION

On motion and second by Comms. Anthony Vasiliou and Carl Bolz the Commission scheduled a public hearing date of March 13, 1996 for a proposed Zoning Code text amendment to add Sections 60.01.08 and 61.01.54 Existing (Prior to January 1, 1996) Service and Fraternal Organizations. Vote was unanimous. Proponent P & Z Dept. Z96-2

ITEM 5.1  
SCHEDULED P.H.  
2/14/96 PROPOSED  
ZONING CODE TEXT  
AMENDMENT TO ADD  
SECTIONS 60.01.08  
AND 61.01.54

William Warner commented. Thomas Nigosanti explained the proposal. Discussion ensued. On motion and second by Comms. Anthony Vasiliou and James Fortuna the Commission gave an affirmative G.S. 8-24 Review for construction of a new 15" storm drain outfall with a riprap lined plunge pool and grass biofilter at the end of West Silver Street as part of the CSO Project. Vote was unanimous. Applicant/agent United International Corporation/City of Middletown Water and Sewer Department

ITEM 5.2  
GAVE AN AFFIRMATIVE  
G.S. 8-24 REVIEW FOR  
CONSTRUCTION OF A  
NEW 15" STORM DRAIN  
OUTFALL WITH RIPRAP  
LINE PLUNGE POOL AND  
GRASS BIOFILTER AT  
THE END OF WEST  
SILVER STREET

On motion and second by Comms. Anthony Vasiliou and James Fortuna the Commission scheduled a public hearing date of March 13, 1996 for a proposed Special Exception to convert an existing building at 244 East Main Street to a new use as a commercial kitchen and storage. Vote was unanimous. Applicant/agent Paul Murphy SE96-2

ITEM 5.3  
SCHEDULED P.H.  
3/13/96 PROPOSED  
SPECIAL EXCEPTION  
TO CONVERT AN  
EXISTING BUILDING  
AT 244 EAST MAIN  
STREET TO A  
COMMERCIAL KITCHEN  
AND STORAGE

On motion and second by Comms. Anthony Vasiliou and Carl Bolz the Commission moved this item to the end of the New Business Items. Vote was unanimous.

ITEM 5.4  
MOVED ITEM TO END  
OF NEW BUSINESS  
ITEMS

Comm. Anthony Vasiliou questioned Wes Downing, Director of Parks and Recreation. Discussion ensued. Comm. Jeffrey Pierce questioned the sublease and other components of the lease. On motion and second by Comm. Anthony Vasiliou and Ron Klattenberg the Commission gave an affirmative G.S. 8-24 Review for leasing the concession stand at Palmer Field, Bernie O'Rourke Drive, to the American Legion Post 75 beginning April 17, 1996 until November 22, 1996 with the condition that the City Attorney re-review the language of the lease, specifically Comm. Pierce's comments. Vote was unanimous. Applicant/agent City of Middletown Park and Recreation Department

ITEM 5.5  
GAVE AN AFFIRMATIVE  
G.S. 8-24 REVIEW FOR  
LEASING THE  
CONCESSION STAND  
AT PALMER FIELD TO  
AMERICAN LEGION  
POST 75 BEGINNING  
4/17/96 UNTIL 11/2/96  
WITH CONDITIONS

Comm. Ron Klattenberg questioned Wes Downing on trash and Deep River's responsibility to clean up and payments. Comm. Anthony Vasiliou questioned the coordination with other events. Comm. Jeffrey Pierce commented on lease technicalities. Wes Downing responded. Chm. W. Lee Osborne agreed with Comm. Pierce. On motion and second by Comms. Anthony Vasiliou and Ron Klattenberg the Commission gave an affirmative G.S. 8-24 Review to provide docking facilities at Harbor Park for the calendar year 1996 to the Deep River Navigation Company with the condition that the City Attorney re-review the language of the lease, specifically Comm. Pierce's comments. Vote was unanimous. Applicant/agent City of Middletown City Attorney's Office

ITEM 5.6  
GAVE AN AFFIRMATIVE  
G.S. 8-24 REVIEW TO  
PROVIDE DOCKING  
FACILITIES AT HARBOR  
PARK FOR THE  
CALENDAR YEAR 1996  
TO THE DEEP RIVER  
NAVIGATION COMPANY  
WITH CONDITIONS

On motion and second by Comms. Anthony Vasiliou and Carl Bolz the Commission scheduled a public hearing date of March 13, 1996 for a proposed Zoning Code text amendment to modify Section 33A B-3 Business Office/Limited Retail Zone, delete Section 61.01.48 Service establishments, delete Section 61.02.24 Retail business, delete Section 61.02.25 Restaurants, and modify Section 61.02.27 Banks prior to considering a request from Calico Productions to rezone the northern side of Washington Street. Vote was unanimous. Proponent P & Z Dept. Z96-3

ITEM 5.7  
SCHEDULED P.H.  
3/13/96 PROPOSED  
ZONING CODE TEXT  
AMENDMENT TO  
MODIFY SECTION 33A,  
DELETE SECTION  
61.01.48, DELETE  
SECTION 61.02.24,  
DELETE SECTION  
61.02.25, AND MODIFY  
SECTION 61.02.27

William Kuehn and William Warner explained the proposal. Comms. Carl Bolz and Anthony Vasiliou questioned the parking. Comm. Vasiliou was concerned about dedicated parking. Discussion ensued. Comm. Jeffrey Pierce commented on costs. William Warner responded and commented on planning issues. Comm. Ron Klattenberg supported the questions. William Warner commented. On motion and second by Comms. Anthony Vasiliou and Ron Klattenberg the Commission gave an affirmative G.S. 8-24 Review to move the St. Sebastian's Convent building from the southwest corner of Washington and Broad Streets, easterly a distance of approximately 250 feet to a site to be created from Parking Lot A with the condition that: 1) there be no restrictive covenants to exclusively allow public parking for this use; and 2) the Preservation Design Review Board review the plans with final Planning and Zoning Commission approval. Vote was unanimous. Applicant/agent City of Middletown Municipal Development Office/William J. Kuehn, Jr., Director

There is a tape recording of the public hearing available in the Planning and Zoning Office.

Comm. Ron Klattenberg disqualified himself. Edward Wenners and John Cellino explained the proposal using the plans. They explained the departmental comments and the Water/Sewer issues. Edward Wenners agreed to the departmental comments and to a common apron on Round Hill Road. He explained the Water Pollution Control Agency approval and reviewed each lot in detail. John Cellino agreed to all minor comments and respectfully requested approval. Edward Wenners thanked William Warner, Thomas Nigosanti, and Guy Russo, Director of Water/Sewer, for their professionalism. Comm. Jeffrey Pierce questioned John Cellino's interest. John Cellino responded. Comm. Anthony Vasiliou questioned the length of the driveways. Edward Wenners responded. Comm. Anthony Vasiliou questioned residential sprinklers. John Cellino responded. Comm. Vasiliou feels it should be a condition. Discussion ensued. Comm. Anthony Vasiliou feels residential sprinklers should be offered to the homeowners. John Cellino agreed. Comm. Jeffrey

ITEM 5.4  
GAVE AN AFFIRMATIVE  
G.S. 8-24 REVIEW TO  
MOVE THE ST.  
SEBASTIAN'S CONVENT  
BUILDING FROM THE  
SOUTHWEST CORNER  
OF WASHINGTON AND  
BROAD STREETS TO A  
SITE TO BE CREATED  
FROM PARKING LOT A  
WITH CONDITIONS

ITEM 6  
P.H. TAPE  
RECORDING

ITEM 6.1  
GRANTED PRELIMINARY  
APPROVAL OF A  
SIX LOT SUBDIVISION  
WITH SPECIAL  
EXCEPTION LOCATED  
SOUTH OF ROUND HILL  
ROAD AND EAST OF  
TALCOTT RIDGE  
DRIVE TO BE KNOWN AS  
CHERRY HILL FARMS

Pierce questioned the sale price. John Cellino responded. Comm. Pierce questioned the common drive and the maintenance. Edward Wenners commented. Guy Russo commented on negotiations on maintenance of the land and drive. Comm. Jeffrey Pierce raised concerns over the City's potential liability to maintain the road. Chm. W. Lee Osborne commented. From the public, S. LoGiudice raised concerns. John Cellino commented and thanked the Commission. On motion and second by Comms. Anthony Vasiliou and Carl Bolz the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. Anthony Vasiliou and Carl Bolz the Commission granted preliminary approval of a six lot resubdivision with a Special Exception for rear lots to be located south of Round Hill Road and east of Talcott Ridge Drive, to be known as Cherry Hill Farms, with the condition that: 1) all departmental comments be addressed; 2) a notice be placed on all maps and offering include "Planning and Zoning Commission recommends fire suppression sprinkler systems on lots off Talcott Ridge Drive"; and 3) the aprons on Round Hill Road be combined. Vote was unanimous with Comm. James Fortuna abstaining. Applicant/agent John J. Cellino/Edward B. Wenners, PE S95-19

Comm. Ron Klattenberg read the Legal Notice into the record. Atty. Philip Karpel and Dan Fowley, Engineer, explained the proposal. Atty. Karpel reviewed the history of the proposal. He reviewed the departmental comments and agreed with all the conditions. Atty. Karpel commented on the through road and explained the through road and the alternate plan with cul-de-sacs. The Engineer explained the proposal. Comm. Carl Bolz questioned the Water/Sewer comment. The Engineer agreed. Comm. Ron Klattenberg questioned the rear yards. The Engineer responded. Comm. Klattenberg questioned blasting. The Engineer indicated that that is not required. Comm. Anthony Vasiliou questioned ownership of the open space. Atty. Philip Karpel responded that the original developer owns the easement and will grant all necessary easements. Comm. Anthony Vasiliou questioned the density of the housing in the area and the wetlands review. Atty. Philip Karpel responded. Discussion ensued. Chm. W. Lee Osborne commented on through road versus cul-de-sac street at length and requested a public comment on

ITEM 6.2  
CLOSED PUBLIC  
HEARING FOR  
PROPOSED 13 LOT  
RESUBDIVISION OF  
PROPERTY AT THE END  
OF McCORMICK LANE  
AND CONGDON STREET  
TO BE KNOWN AS  
HUBBARD ESTATES,  
STAGE IV

through roads versus cul-de-sacs. Comm. Carl Bolz questioned the buildable area of the lots. Comm. Ron Klattenberg questioned the open space and the dedication. Atty. Philip Karpel responded. Comm. Jeffrey Pierce questioned when was the property purchased, the number of acres, and the amount of open space. From the public, S. LoGiudice spoke in opposition at length, primarily regarding traffic. Debbie Dodenhoff requested a cul-de-sac for the neighborhood and feels the traffic is already bad. L. Monaris of the Congdon Street neighborhood feels the cul-de-sac is best. Dimble Dishaud expressed concerns, feels this would be a cut through and compared the probability of fire versus children playing in the street. Paul Naudo is concerned about a through street, water problems and supports the cul-de-sac. Chuck Mellon stated that the cul-de-sac is preferable. L. Faraci is concerned about the through traffic. Comm. Anthony Vasiliou questioned traffic control. L. Petty questioned cars stopping at stop signs, cars going through the stop signs, and is concerned about the traffic. M. Kiech is concerned about the slopes, grading, wildlife, traffic, etc. A concerned citizen has traffic concerns and due to many children safety is the biggest concern. K. Humphreys expressed concerns over drainage problems in the Nejako Road area. E. Kelsey had concerns about the catch basins. L. Esuelo is concerned about the traffic and school buses. Brian Kennedy asked why was Castanea Court not on the location plan and has concerns about the detention pond, maintenance, grading and tree clearing. S. Pedrick feels through traffic is a problem and the cul-de-sac option is best. L. Lanze has traffic concerns and feels the cul-de-sac is best. L. McClain has traffic concerns and feels the cul-de-sac is best. Comm. Jeffrey Pierce questioned the grading and the impacts on downstream drainage. D. Fowley responded. Chm. W. Lee Osborne commented on detention ponds. Thomas Nigosanti responded to E. Kelsey's concerns. Comm. Ron Klattenberg questioned if there is a drainage problem. Thomas Nigosanti responded. Comm. Carl Bolz questioned the cul-de-sac. Atty. Philip Karpel summarized and requested approval with the cul-de-sac. On motion and second by Comms. James Fortuna and Carl Bolz the Commission closed the public hearing. Vote was unanimous. On motion

and second by Comms. Carl Bolz and James Fortuna the Commission tabled a proposed 13 lot resubdivision of property located at the end of McCormick Lane and Congdon Street to be known as Hubbard Estates, Stage IV. Vote was unanimous. Comm. Ron Klattenberg had concerns over the alternate plan and questioned if all departments responded to the alternate plan. Applicant/agent John Orsini/Atty. Philip F. Karpel S96-1

William Warner indicated that the applicant has withdrawn. On motion and second by Comms. Ron Klattenberg and James Fortuna the Commission accepted withdrawal of a proposed one lot resubdivision to create Lot #4 of the property of John S. Ott located on the south side of Miner Street west of Smith Street on the Miner Hills Golf Course property. Vote was unanimous. Applicant/agent John S. Ott S96-2

William Warner explained the proposal. Comm. Ron Klattenberg supports the proposal. Comm. Jeffrey Pierce thanked William Warner. On motion and second by Comms. Anthony Vasiliou and Ron Klattenberg the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. Anthony Vasiliou and James Fortuna the Commission adopted a Zoning Code text amendment to modify Section 71 Amendment Procedure with an effective date of March 15, 1996. Vote was unanimous. Proponent P & Z Dept. Z96-1

Ted Jackowiak explained the proposal. Michael O'Brien and Philip Mangiaracing were present. Comm. Anthony Vasiliou questioned the driveway width. Ted Jackowiak responded. Michael O'Brien explained the neighborhood and read a letter of support into the record. Comm. Anthony Vasiliou and Chm. W. Lee Osborne questioned staff. William Warner responded to driveways, parking, etc. Discussion ensued. No one from the public spoke. On motion and second by Comms. Jeffrey Pierce and Ron Klattenberg the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. Anthony Vasiliou and Jeffrey Pierce the Commission granted a Special Exception to convert

ITEM 6.3  
ACCEPTED WITH-  
DRAWAL OF A PROPOSED  
RESUBDIVISION TO  
CREATE LOT #4 OF THE  
JOHN S. OTT PROPERTY  
LOCATED ON THE  
SOUTH SIDE OF MINER  
STREET

ITEM 6.4  
ADOPTED ZONING CODE  
TEXT AMENDMENT TO  
MODIFY SECTION 71  
AMENDMENT  
PROCEDURE WITH AN  
EFFECTIVE DATE OF  
3/15/96

ITEM 6.5  
GRANTED SPECIAL  
EXCEPTION TO  
CONVERT AN EXISTING  
BUILDING AT 238 EAST  
MAIN STREET FROM A  
RESIDENCE TO A  
RESIDENCE/RETAIL  
STORE

an existing building at 238 East Main Street from a residence to a residence/retail store with the condition that all departmental comments be addressed and that the entrance at the street be widened to fifteen feet. Vote was unanimous. Applicant/agent Philip A., S. Michelle Mangiaracing/Michael O'Brien SE96-1

Comm. Anthony Vasiliou commented on Article V. A motion to include Article V as proposed was made by Comm. Anthony Vasiliou and seconded by Comm. Jeffrey Pierce. Comm. Anthony Vasiliou spoke in support. Comm. Jeffrey Pierce questioned if there is any change. Comm. Anthony Vasiliou indicated no. Comm. Jeffrey Pierce spoke in support. Comm. Ron Klattenberg commented and indicated there is no disagreement but is the Planning and Zoning Bylaws the place to have a Code of Ethics? This belongs with the Ethics Board. Comm. William Hohenstein was on the Board of Ethics and feels the current Code is sufficient. Comm. Carl Bolz felt it was a duplication but there are unique situations and spoke in support. He feels this brings Planning and Zoning to a higher level. Comm. Anthony Vasiliou commented. Chm. W. Lee Osborne commented and feels he lives by standards so there is no problem adopting them. Comm. Jeffrey Pierce feels there should be attention from the press. Comm. Ron Klattenberg has concerns over the employment section. Discussion ensued. The motion carried with Comms. Ron Klattenberg and William Hohenstein opposed. On motion and second by Comms. Ron Klattenberg and James Fortuna the Commission tabled the rest of the Bylaws. Vote was unanimous.

On motion and second by Comms. Jeffrey Pierce and Anthony Vasiliou the Commission scheduled a public hearing date of March 13, 1996 for the Land Use Fees. Vote was unanimous.

No one spoke.

ITEM 3.3  
APPROVED ARTICLE  
V AS PROPOSED AND  
TABLED THE REST OF  
THE BYLAWS

ITEM 3.4  
SCHEDULED P.H.  
3/13/96 LAND USE FEES

ITEM 7  
DISCUSSION WITH  
PUBLIC

Adjournment was at 11:30 P.M.

ITEM 8  
ADJOURNMENT

Respectfully submitted,

William Warner  
Director of Planning