

PLANNING AND ZONING COMMISSION REGULAR MEETING MARCH 9, 1994, 7:00 P.M. PAGE 1 OF 8

Chm. W. Lee Osborne, Ann Loffredo arrived at 7:45 P.M., John Robinson, Anthony J. Vasiliou, Jennifer Alexander, Francis Patnaude left at 9:55 P.M., Gerard Winzer

COMMISSION MEMBERS PRESENT

Mayor Thomas J. Serra, Ex-Officio, Dir. P.W. Salvatore Fazzino, Ex-Officio, Vice-Chm. Philip Halibozek, Sec'y Stephen P. Shapiro, Sebastian J. Passanesi, Stephen Gadomski

COMMISSION MEMBERS ABSENT

Alternate Comm. Jennifer Alexander acted for absent Comm. Philip Halibozek. Alternate Comm. Francis Patnaude acted for absent Comm. Stephen Shapiro. Alternate Comm. Gerard Winzer acted for Comm. Ann Loffredo until she arrived at 7:45 P.M. and then acted for absent Comm. Sebastian J. Passanesi. Comm. Winzer was designated acting secretary.

ACTING MEMBERS

William Warner, Planning Director, Thomas Nigosanti, Chief Engineer Public Works Dept.

STAFF

Reporter from the Middletown Press and approximately 50 members of the audience.

OTHERS

On motion and second by Comms. Robinson and Winzer the Commission approved the minutes of the 2/9/94 meeting. Vote was unanimous.

ITEM 2.1
A P P R O V E D
M I N U T E S 2/9/94

The Commission acknowledged the ZEO Sign Report and Monthly Report.

ITEM 3.1 & 3.2
A C K N O W L E D G E D
S I G N & M O N T H L Y
R E P O R T S

The Commission did not go into Executive Session regarding pending litigation regarding Martin Media verses P & Z Comm. pursuant to CT General Statutes Section 1-18A(e). The Commission took no action.

ITEM 3.3
N O A C T I O N
E X E C U T I V E
S E S S I O N

Steven Rocco made his presentation regarding "River Access".

ITEM 3.4
R I V E R A C C E S S

The Commission acknowledged a report on enhancement funding applications.

ITEM 3.5
E N H A N C E M E N T
F U N D I N G
A P P L I C A T I O N S

On motion and second by Comms. Robinson and Winzer the Commission tabled a request for a three year extension of preliminary approval of the Hunt Club Subdivision located off East Street. Applicant/agent Resource Development Corp./Michael Hussey. Vote was unanimous.

ITEM 4.1
TABLED THREE
YEAR EXTENSION
HUNT CLUB
SUBDIVISION

On motion and second by Comms. Robinson and Patnaude the Commission approved a reduction of a cash deposit being held for the Farmstead Estates Subdivision, Phase I to \$3,500.00. Applicant/agent Carmelo Aresco S89-4. Vote was unanimous.

ITEM 4.2
APPROVED CASH
D E P O S I T
R E D U C T I O N
F A R M S T E A D
E S T A T E S

On motion and second by Comms. Robinson and Loffredo the Commission established an effective date of 2/28/94 for a Zoning Code text amendment under Section 61.02.28, Commercial Recreation. Vote was unanimous.

ITEM 4.3
ESTABLISHED
EFFECTIVE DATE
2/28/94 SECTION
61.02.28

On motion and second by Comms. Robinson and Loffredo the Commission established an effective date of 2/28/94 for a Zoning Code text amendment under Section 60.02.28, Existing Restaurants MX zone. Vote was unanimous.

ITEM 4.4
ESTABLISHED
EFFECTIVE DATE
2/28/94 SECTION
60.02.28

On motion and second by Comms. Robinson and Winzer the Commission granted a lot line revision between lots 1 and 2 of the Brooks Road Subdivision with the condition it meet departmental requirements. Applicant/agent Sebastian Mazzotta S92-15. Vote was unanimous.

ITEM 4.5
GRANTED LOT
LINE APPROVAL
BROOKS RD
SUBDIVISION

On motion and second by Comms. Robinson and Winzer the Commission granted final approval of lots 7, 8, and 9 of the Westridge Estates Subdivision with the condition it meet the requirements of the Water and Sewer Departments. Applicant/agent Glenn Russo S90-22. Vote was unanimous.

ITEM 4.6
GRANTED FINAL
A P P R O V A L
W E S T R I D G E
E S T A T E S
SUBDIVISION

On motion and second by Comms. Robinson and Winzer the Commission accepted the withdrawal of an application for a special exception for a pool bar and cabana located at America's Cup located at 80 Harbor Drive. Applicant/agent Harbor Drive Associates/Atty. Mark Quattro SE94-1. Vote was unanimous.

ITEM 4.7
A C C E P T E D
WITHDRAWAL S.E.
POOL BAR &
C A B A N A
AMERICA'S CUP

On motion and second by Comms. Robinson and Patnaude the Commission granted final re-approval to establish a cash deposit for unfinished work in the Arbutus Crossing Subdivision in the amount of \$7,500.00 with the conditions that (a) a contract be executed between the City of Middletown and the Developer; and (b) it meet departmental requirements. Applicant/agent George Smilas S93-8. Vote was unanimous.

ITEM 4.8
GRANTED FINAL
RE-APPROVAL
A R B U T U S
C R O S S I N G
SUBDIVISION

On motion and second by Comms. Loffredo and Robinson the Commission granted a request for model home approval to substitute lot 15 for lot 14 of the Talcott Ridge Subdivision located off Round Hill Road and South Main Street. Applicant/agent Kenneth Herbert S87-17. Vote was unanimous.

ITEM 4.9
GRANTED MODEL
HOME APPROVAL
LOT 15 TALCOTT
R I D G E
SUBDIVISION

On motion and second by Comms. Robinson and Loffredo the Commission scheduled a public hearing on March 23, 1994 to consider a proposed 2 lot resubdivision located at the end of Pleasant View Drive. Applicant/agent Ed White S94-1. Vote was unanimous.

ITEM 5.1
SCHEDULED P.H.
3/23/94 2 LOT
RESUBDIVISION
PLEASANT VIEW
DRIVE

Ted Charton explained his reasoning for wanting the property located on the east side of Newfield Street. Carl Charton concurred. On motion and second by Comms. Loffredo and Robinson the Commission gave an affirmative G.S. 8-24 report regarding a request to convey two parcels of City owned land on the east side of Newfield Street to Carl and Ted Charton. Applicant Municipal Development Office. Vote was 6 to 1 with Comm. Vasiliou voting in opposition.

ITEM 5.2
G A V E
AFFIRMATIVE
G . S . 8 - 2 4
REPORT
TWO PARCEL EAST
SIDE NEWFIELD
ST T. CHARTON

On motion and second by Comms. Robinson and Loffredo the Commission scheduled a public hearing on March 23, 1994 to consider a proposed special exception to allow an auto dealership located on Newfield Street near Town and Country Auto Sales. Applicant/gent Town and Country Auto Sales/Michael Augeri SE94-. Vote was unanimous.

ITEM 5.3
SCHEDULED P.H.
3/23/94 S.E.
AUTO DEALERSHIP
NEWFIELD STREET
TOWN & COUNTRY
AUTO SALES

On motion and second by Comms. Robinson and Loffredo the Commission scheduled a public hearing on March 23, 1994 to consider a proposed Zoning Code text amendment to eliminate Section 48.04.01, Outdoor Advertising Signs and amend Sections 61.01.22A, 61.01.34, 61.01.35 and 61.01.45. Applicant/agent P & Z Dept. Vote was unanimous.

ITEM 5.4
SCHEDULED P.H.
3/23/94 ZONING
CODE TEXT
AMENDMENTS

A recess was taken prior to the hearing. Chm. W. Lee Osborne explained that the Attorney for Country View Estates was not present at this time. On motion and second by Comms. Loffredo and Robinson the Commission changed the schedule of the public hearing.

RECESS AND
C H A N G E D
SCHEDULE OF
PUBLIC HEARING

There is a tape recording of the public hearing available in the Planning and Zoning Office. Item Numbers 4 and 5 shown on the public hearing legal notice were not heard or opened by the Commission due to the time. It was 1:45 a.m.

ITEM 6
PUBLIC HEARING
TAPE RECORDING

Francis Patnaude disqualified himself from the application and left the public hearing at 9:55 P.M. Atty. Dowley presented the subdivision and reviewed the history of the proposal. G. Russo explained in length departmental comments by using two boards. Atty. Dowley discussed open space and access to open space. G. Russo displayed map showing Jurassic Rock and discussed reasonable off site improvements. Atty. Dowley elaborated on open space and geology. G. Russo indicated he will place a conservation easement on lot 11 to protect remaining ledge. Comm. Anthony Vasiliou questioned grinder pumps and departmental comments. Atty. Dowley responded and didn't agree with what he feels are off site improvements. Chm. W. Lee Osborne felt improvements abut the property. Discussion ensued regarding road improvements. Thomas Salafia, President of South Middletown Associates felt density is too high. Ted Werner read a letter into the record including photographs. J. Fiero of the Conservation Commission addressed the Commission in regard to comments from the Conservation Commission and also submitted a report prepared by J. Fiero. Comm. Robinson questioned storm water. William Warner responded. J. Fiero commented. Discussion ensued regarding outcrops. G. Horne explained credentials as a geologist and reviewed geology of the area. He used a geologic map to display bedrock in the area. Earl Roberts commented on storm water controls and discharge onto the adjoining open space. K. Cooley referenced project in Westbrook regarding diversion of water and purpose of wetlands. L. Therion lives on the corner of Kelsey and Margarite Road is concerned about tree on his property. H. Stern expressed opposition and noted rural character of the neighborhood and read from the State Statutes regarding zoning. B. Batt read a letter from the School Board into the record and other letters regarding trees and stop signs at the intersection. S. Anderson read a letter stating opposition. N. Way raised opposition regarding wetlands. Attorney Robin Pierson represented the neighbors and found two clear violations of the Subdivision Regulations. One being Design of intersection and other being Rear Lot Section in regard to the depth

ITEM 6.1
COUNTRY VIEW
ESTATES, PHASE
III

of separation from a City street. A buffer can be required between rear lots and requested a denial for failure to comply. She raised other issues and concerns as follows: 1) Is it all his property? 2) Limits on grading; 3) Lot 15 rear yard setback; 4) Location of ledge outcrops; 5) Protection of ledge on Lot 11; 6) Buffer area between Country View and Andersons; and 7) Widen access way. She referenced recent Supreme Court case pursuant to Edon Smith verses Greenwich and Sections in the Subdivision Regulations and the Plan of Development. Comm. Anthony Vasiliou questioned Court cases regarding off site improvement. Atty. Robin Pierson responded. Attorney Dowley reviewed comments and concerns. G. Russo reviewed comments and concerns. C. Dimmock made a presentation regarding geology of the area and disputed G. Horne conclusions. Attorney Dowley concluded. G. Horne rebutted testimony. Earle Roberts notes ownership of open space. Comm. Vasiliou questioned size of lot. Comm. Gerard Winzer questioned Park and Recreation. William Warner responded. S. Anderson commented on buffer access strip. G. Russo concluded and requested opportunity to modify plans if necessary. Comm. Robinson questioned Anderson buffer. G. Russo responded. On motion and second by Comms. Loffredo and Alexander the Commission closed the public hearing regarding a proposed 25 lot resubdivision to be known as Country View Estates, Phase III located off the east side of Margarite Road south of Kelsey Street.. Vote was unanimous. Discussion ensued regarding when to consider the application. It was decided to include the application as an Old Business item on the agenda of the next meeting. William Warner summarized.

Comm. Gerry Winzer read legal ad into record. B. Aisner made presentation regarding proposal, reviewed departmental conditions and that he had obtained Water Pollution Control Authority approval; read engineer's letter regarding traffic into the record; discussed sidewalks with the wetland setback not along the road; and he discussed the need for approval from the Wesleyan Hills Association; and he summarized the project. Comm. Alexander questioned current approvals. William Warner responded no current approvals. Comm. Vasiliou questioned driveways. Comm. Robinson questioned sidewalks and traffic. B. Aisner explained and indicated he will post any necessary signage. Comm. Vasiliou questioned material for sidewalks. B. Aisner indicated blue stone or some other natural looking dust. Chm. W. Lee Osborne questioned deed restrictions. B. Aisner felt that is his battle to fight. Discussion ensued regarding deed restriction. J. Kudrac representing Wesleyan Hills Board referenced the Wesleyan Hill Association letter from P. Pollock and discussed sidewalks. L. Shoby, Advisory Council of Wesleyan Hills, discussed min neighborhood concept, referenced P.R.D. regulations, and requested that any approvals be contingent on approval of Board. Comm. Robinson indicated less density - why such concern? L. Shoby responded to character of the area is the problem. Comm. Loffredo questioned past approvals. P. Evans responded and expressed other concerns. B. Aisner clarified discussion about previous projects and indicated he still must go to ALRC to build homes. S. White felt condo development was more preferable. Safety and traffic is a problem. J. Kudrac felt he was not following prior practice. R. Michaud expressed concerns of traffic, children and sidewalks. J. Johnson was concerned about driveways. M. Henchen had safety and traffic concerns. J. Driscoll had two concerns relative to proximity from houses to road and traffic needs better design. B. Aisner summarized the comments. On motion and second by Comms. Robinson and Winzer the Commission closed the public hearing regarding a 17 lot subdivision located on the east side of Long Hill Road across from the Daniels Street intersection to be known as

ITEM 6.2
MEADOW VIEW
SUBDIVISION

Meadow View Subdivision. Vote was unanimous. This will be included as Old Business on the next Commission's agenda. Comm. Vasilou questioned the legality of covenants and requests a legal opinion. Is the Planning and Zoning Commission bound by covenants and restrictions?

K. Hass explained his proposal for a special exception to convert the use of an existing building located at 340 East Main Street from manufacturing to manufacturing, office, retail, sales and service. William Warner explained. Comm. Loffredo and Robinson questioned parking and discussion ensued regarding parking. S. DiMauro indicated a desire to lease property for retail. K. Haas summarized. William Warner commented. On motion and second by Comms. Robinson and Winzer the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. Robinson and Patnaude the Commission approved the special exception with the condition that it meet departmental comments. Vote was 5 to 2. Commissioners voting in favor were Francis Patnaude, Gerard Winzer, W. Lee Osborne, Jennifer Alexander and John Robinson. Commissioners voting in opposition were Ann Loffredo and Anthony Vasilou.

ITEM 6.3
APPROVED S.E.
340 EAST MAIN
STREET

There was no discussion with the public.

ITEM 7
DISCUSSION WITH
PUBLIC

Adjournment was at 1:45 a.m.

ADJOURNMENT

Respectfully submitted,

William Warner
Planning Director

Approved at the meeting of _____.