

COMMISSION ON THE CITY PLAN AND ZONING - PUBLIC HEARING - WEDNESDAY -  
MARCH 14, 1973 - 7:30 P.M. - MUNICIPAL BUILDING - COUNCIL CHAMBER -  
DEKOVEN DRIVE - MIDDLETOWN, CONNECTICUT

Ralph M. Shaw, Chairman  
David B. Mylchreest, Secretary  
Seb Passanesi  
Eric Lowry  
Frederick Congdon, Alternate  
George Augustine, Alternate, acting for Robert Chamberlain  
Gerald J. Lentini, Alternate

COMMISSION MEMBERS  
PRESENT

Robert F. Chamberlain, Vice-Chairman

MEMBER ABSENT

George A. Reif, Director  
Althea Rinaldi, Recording Secretary

STAFF

Atty. Daniel Ryan, representing the people opposing  
Discovery House; Atty. Robert Frazier, representing  
Sanibel Convalescent Home; Keith Johnson, reporter,  
Middletown Press; and 32 members of the  
public at large.

OTHERS

CHM. SHAW:  
It is 7:30 and I'll call the meeting to order of the  
Commission on the City Plan and Zoning and I'll ask  
our Sec'y. to read the notice.

SEC'Y. MYLCHREEST:  
THE MIDDLETOWN COMMISSION ON THE CITY PLAN AND  
ZONING WILL HOLD A PUBLIC HEARING ON MARCH 14,  
1973, STARTING AT 7:30 P.M. IN THE COUNCIL CHAMBER,  
MUNICIPAL BUILDING, DEKOVEN DRIVE, MIDDLETOWN,  
CONNECTICUT, to consider:

1. Proposal by Discovery House, Inc., to use  
the building at 34 Wall Street, an R-1  
Zone, as a care home. The use is permitted  
if granted a Special Exception.

DISCOVERY HOUSE  
APPLICATION FOR  
34 WALL STREET

CHM. SHAW:  
Before we start on this item I have a letter which is  
reported in the Middletown Press tonight from Discovery  
House, Inc. It is addressed to the City Plan and  
Zoning, City Hall, Middletown, Connecticut.

March 13, 1973

Gentlemen:

After careful and deliberate reconsideration of  
several factors, the Discovery House Board of  
Directors has unanimously chosen at this time  
to voluntarily withdraw its application for a  
zoning exception at 34 Wall Street.

Signed: George Keithan, Pres., Discovery House  
Board of Directors  
Richard Schuster, Vic-Pres., Discovery  
House Board of Directors

LETTER OF WITHDRAWAL

Now in view of that there will be no need for or any of  
regular public hearing on this item to-night, however,

I believe that the neighbors have council and if you would like to make a statement and leave it with us we will be very happy to accept it, but on the other hand we are not going to address ourselves to this problem or nor take any other arguements for or against it.

ATTY. DANIEL RYAN:

We would like to make a brief statement to the Commission if the Commission.....

CHM. SHAW:

You may and if you'll come forward giving your name and address so that we can have it on the transcript.

ATTY. DANIEL RYAN:

For the record I'm Atty. Daniel B. Ryan, of Middletown and representing many of the neighbors in the immediate vicinity of 34 Wall Street, the proposed location of Discovery House and we did have a memorandum of law and facts that we had researched which we had intended to present to-night at a considerable length and perhaps the Commission would care not to hear that. It is up whatever the Commission would like but I would like to at this point present a petition signed by roughly 285 property owners in the immediate and surrounding locations. All of whom are opposed to the location of Discovery House at 34 Wall Street. At this time I would like to make that matter of public record.

CHM. SHAW:

Thank you.

ATTY. DANIEL RYAN:

In addition most of the people signed the petition planned to be here this evening, but in fact, when they called various neighbors etc. whom I'm representing we advised them not to. In view of the fact that the application was withdrawn and we heard about it roughly at noon today. There are about 25 who showed up. If they might stand and show their opposition to this and these are--thank you--these are for the most part immediate neighbors are abutting neighbors or neighbors immediate across the street who thought it best to show up to-night as a token of the neighborhood opposition continuing opposition and to the location of Discovery House at that area. Again, if I might just make another brief remark. There are two: We do want to stress or I want to stress on behalf of my clients there continuing opposition to Discovery House at that location. The neighborhood for many reasons which I don't conted<sup>n</sup> to go into at this point but Fire laws, Health Laws effect which is somewhat unknown at this point on property values. The severe traffic condition that you have on a very narrow street. The oldness of the building that the project was planned,

to go into the fact that it would have to be extensively remodled. The fact that there are very narrow sidelines next to the house and for many other reasons including the fact that I sincerly do not thing that a Special Exception in this R-1 Zone could be granted or could meet the conditions set up in your own zoning regulations but for these reasons and others the neighborhood, the neighbors nor myself. I think almost to man are opposed to the concept of the Discovery House in Middletown. We all think it is a good idea but a particularly bad one for many' legitimatereasons in the Wall Street neighborhood. Unless the Commission would like to ask a questions of me or have me present a diversion I had intended to but I perhaps rest our case at this point.

CHM. SHAW:

I think, that is fine Mr. Ryan. Thank you.

ATTY. DANIEL RYAN:

Thank you Mr. Chairman.

CHM. SHAW:

We will move on to the second item please.

SEC'Y. MYLCHREEST:

- #2. Proposal by Sanibel Convalescent Home to expand SANIBEL CONVALESCENT HOME PROPOSAL  
by construction of an addition, its present facility located at the northwest corner of South Main Street and Randolph Road an R-1 Zone. The use is permitted if granted a Special Exception.

CHM. SHAW:

Before we go into this if any of you who came on this Wall Street proposition feel that you would like to leave you may leave now and if you want to stay and listen to us that's fine but if you want to rather than cause a commotion while we are doing other things.

The usual format for the balance of the public hearing I'll ask first that the proponents for the application in question speak first and then any opponents be in view of the few people that are here I don't think that we are going to have any lengthy discussion to-night. I would appreciate it if you can keep your comments to the point and as brief as possible. Now, .....

ATTY. ROBERT FRAZIER:

My name is Atty. Robert Frazier, from the law offices of Parm.elee and Snow, and I represent Sanibel Hospital. I have a site plan (lays out plans) I would just like to point out the call is somewhat misleading in where it says to expand because we are not expanding anything. What we are doing is taking all the beds from the second floor---this here is the present building. We are going to take all the

beds from the second floor, take them out of the second floor and put them in the new building which is the cross section here. Now that is 28 beds we are moving from the second floor of the existing structure and we hope to put those same 28 beds in the new addition. The reason for this is to comply with the State law which in effect says, if you have a frame structure you cannot put patients on the second floor unless you have an elevator. Now there is no elevator to that building and we feel it would be more convenient for the patients to construct a new building and have them reside in the new building rather than have them stay in the old building and go to the expense of putting in an elevator in. This way we could upgrade the facilities as well as accommodate the patients. I'll go over some of the statistics here for you.

The total floor area would be 15,000 sq. ft. and the building coverage would be 18% of the site and the maximum allowable building coverage is 25% so that we come well within that requirement. Now the required parking is one parking space per 1,000 sq. ft. and since we will have 15,000 sq. ft. that's 15 cars we have to provide parking for. Plus we have 20 employees per shift and we need to supply 1 parking space for each employee which comes to 4 cars. We have 1 required space for a doctor which totals 20 cars required for parking and on the site plan we have provided parking for 26 cars. Now the present height of the existing structure is 10 ft. and 25 ft. The new addition will be 1 story and will be 10 ft. high. The area is serviced with City water and sewer. It will have a fire sprinkler system. The total beds will remain at 60 beds. There are 60 beds now in this structure and the whole thing after it is completed will be the same 60 beds.

CHM. SHAW:

At present your client has a...I guess some pens in here and cages for birds and what not. What is the intention as far as that space is concerned using this in the future.

ATTY. ROBERT FRAZIER:

Well, anything that's in this area now will be completely removed.

CHM. SHAW:

Well I'm curious where this was going to go. This whole tract is pretty well full of things now.

ATTY. ROBERT FRAZIER:

This is the manager now.

CHM. SHAW:

Will you come up here please and identify yourself so that we can have you on record.

PAUL MANCINI:

My name is Paul Mancini, and I am the administrator for Mrs.

Fiala of Sanibel and the intentions of where she is going to put these birds are going to be removed. They are going to be removed and they are going to her farm over in East Haddam.

COMM. LOWRY:  
What is going to happen to the second floor?

TAPE BROKE AT THIS POINT

CHM. SHAW:  
Alright.

ATTY. ROBERT FRAZIER:  
It must have been something I'd said.  
Are there anyother questions?

CHM. SHAW:  
Where about is the sideline George? Are they...have you looked at this.....

GEORGE REIF:  
Yes, the side lines seem to meet the requirements.  
The requirements in the R-1 zone is 10 ft.

CHM. SHAW:  
But apparently that corner is.....

GEORGE REIF:  
10 ft.

ATTY. ROBERT FRAZIER:  
It is shown here as 10 ft.

CHM. SHAW:  
Yes I see that.  
Are there any other questions?George.....

GEORGE REIF:  
There are some comments.

CHM. SHAW:  
Fine. O.K.  
Well let us charge ahead. Do you have a copy of this?  
Do you want to take this one?

ATTY. ROBERT FRAZIER:  
I might add one thing if the Fire Department worried about anything we could make a little ramp here so the trucks could go in. They were concerned about a wall being here in the front.

CHM. SHAW:  
The ramp comes around to the side of the driveway now.

ATTY. ROBERT FRAZIER:  
Right here. We could put one right here.

CHM. SHAW:  
The wall comes around here. It blocks it effectively at the moment. Is that right?

COMM. LOWRY:  
I have another question. Does this eliminate the parking in the road on Randolph Road?

PAUL MANCINI:  
Yes it will because it will be all here. There wouldn't be any parking anymore.

CHM. SHAW:  
How much parking do you have up here now?

PAUL MANCINI:  
Right now we have our parking here and part of it on the road. But with this we'll have.....

CHM. SHAW:  
Will this all be additional?

PAUL MANCINI:  
Yes, this is all additional. This is all additional parking.

CHM. SHAW:  
George do you have some letters.

SEC'Y. MYLCHREEST:  
Department of Public Works  
Gentlemen:  
This office has no objections or comments to offer for the above referenced project.  
Signed: John C. O'Brien, Director of Public Works

PUBLIC WORKS DEPARTMENT

GEORGE REIF:  
This is from the Fire Chief.

FIRE DEPARTMENT

Gentlemen:  
I have checked the site plan for the proposed addition and alterations to Sanibel Convalescent Home. I have recommended a minor change to the architect, whereby two parking spaces are eliminated, in order to permit fire apparatus a free access route to the rear of the home.  
Signed: Chief Francis Cyrulik

CHM. SHAW:  
That's in the City fire district.

GEORGE REIF:  
Yes. From the Health Department a brief statement

HEALTH DEPARTMENT

saying:

Public water supply and sanitary sewer available.  
Signed: R.B. Rafferty, Environmental Sanitarian.

From the Police Department:

POLICE DEPARTMENT

Sirs:

With reference to the proposed addition to the Sanibel Convalescent Home located on South Main Street (Conn. Rt. 17) Traffic Division does not feel that this addition will generate a great increase in traffic volume and does not object. However, the proposal does not state the additional personnel required, and expected additional visitors on the new site plan. Therefore, no comments can be made referenced to the proposed parking as being adequate for additional personnel.

Signed: Eugene B. Rame, Chief  
James V. Genovese, Traffic Lieutenant

I think you have got the answer.

CHM. SHAW:

I think Mr. Frazier answered that question. If you are going to have no increase. We are assured of it.

ATTY. FRAZIER:

Yes, only licensed can have 60 beds, and that's all. That's going to be there.

COMM. LOWRY:

What about the request from the Fire Department in eliminating 2 parking spaces? Is that taken care off (inaudible) ramp?

ATTY. ROBERT FRAZIER:

That is where the ramp is.

CHM. SHAW:

Do you loose two parking spaces by doing that?  
You will not have too?

PAUL MANCINI:

We will not because we will use the ramp to come up the front.

GEORGE REIF:

So far we don't have a drawing that shows that though.

PAUL MANCINI:

No, but he's going to put that in....

GEORGE REIF:

And submit a revised drawing.

CHM. SHAW:

Alright, is there anyone else wishes to speak in favor of this application. If not is there anyone who wishes to speak in opposition to this application. Hearing none we will move on to the next item.

SEC'Y. MYLCHREEST:

- #3. Proposed text change, concerning Alcoholic Liquor Package Stores, to Zoning Code which would require granting of a Special Exception for establishment of this use which would be limited to B-2 and B-3 Zones only.

PROPOSED TEXT AMENDMENT  
ALCOHOLIC LIQUOR PACKAG  
STORES

CHM. SHAW:

George would you like to go through that and explain what that change means.

GEORGE REIF:

Possibly this reading the specific changes that would be made to the Code will be a sufficient clarification. First of all there is a Section 43 in the present Code called Package Stores, Proposed is to delete that section entirely. In Section 44 which deals with Special Exceptions an additional item will be placed which would add as Item 44.08.23 Alcoholic Liquor Package Stores are permitted uses only in B-2 and B-3 Zones subject to all regulations of these zones and (a) Building and sites shall meet criteria of the Connecticut Liquor Control Commission for Package Stores and (b) The entrance to the building shall not be less than fifteen hundred feet, measured in a direct line, from the entrances of any other package store.

And another item within Section 44 would be a change in Item 44.03.01 which deals with Site Plans. Site Plan would have a substitute for items now listed. The words Site Plan as specified in Section 55 Site Plan Approval Requirements. That would mean that the two sections of the Code that now require plans will be identical. Going on to Section 61, which is the one about Business Zones and Industrial Zone Use Schedule Item 61.01.34 would be deleted. Delete the words Package Liquor Stores and ADD Item 61.02. Special Exception Uses. Item 61.02.16 we ADD the words Alcoholic Liquor Package Stores in B-2 and B-3 Zones. That's simply taking out a particular and unique section and putting the essence of the section in the Special Exceptions along with all the other Special Exceptions.

CHM. SHAW:

Comments from the Commission? Is there anyone here who wishes to speak about this? Anyone for or against it. Come along and speak it out. Alright we will move on to item 4.

SEC'Y. MYLCHREEST:

- #4. Proposed Text change, concerning Site Plan Approval Requirement, to Zoning Code which would: (a) eliminate any exceptions for the review requirement for any new or modified land-use or development proposals; (b) ADD, "other technical agencies or organizations (not specifically identified) who may undertake studies and investigations" to the list of departments now consulted in the review; (c) permits staff review for uses clearly meeting all Code requirements; (d) continue Commission review for all other cases; (e) clarify requirements for a performance bond for any improvements for which the City assume future maintenance responsibility; (f) delete reference to filing and approved plan in the office of Town Clerk; and (g) rearrange and renumber items within the Section for a more logical sequence.

PROPOSED TEXT AMENDMENT  
SITE PLAN APPROVAL  
REQUIREMENT

GEORGE REIF:

And now we have the four pages that make up the complete Section 55 with these changes if you'd like to hear that I'll read it.

CHM. SHAW:

It shouldn't be necessary to read the whole four pages George. If you can give us the essence of the changes as they appear.

GEORGE REIF:

I'll read those paragraphs or sections I think were substantially changed in most cases they were simplified. The first is a general statement say that it shall be unlawful to construct, erect, enlarge, alter, or rebuild any structure of site or to change any land-use unless proposed development shall have received site plan approval as herein provided. It goes on and explains the purposes. They're two purposes. One, the first is to provide an opportunity to assure that the requirements of this code are meet and secondly to provide an opportunity for participation in the proposal by various technical personnel and to incorporate the judgement of the Commission. There is a submission procedure which lists a number of bits of information starting from the sheet size to the scale and other type of things that people make drawings or interested in knowing what they have to show ending with such site information as they may deem necessary meet the objectives of this section. It goes on to tell information about the structures and statement identifying the proposed use so that there is enough information to establish among other things requirements for off-street parking. It outlines the view procedure telling the five departments normally involved in opening the door in this case to bring another technical agencies. It outlines the staff review procedure to among other things make sure they are in compliance to the Zoning Code. It identifies the final action.

It says after a receipt of a complete application and upon execution of the review process, all as herein specified, approval, required modifications for approval, or disapproval may be determined by: (1) the Director for development proposals which are to be located in a permitted zone or (2) by the Commission for all developmental proposals which are not in are not in outright permitted use in a zone or for which there is uncertainty in the interpretation of this Code. That is a significant paragraph because that is different than in Section 55 now. The bond has been simplified as you have heard only to specifically related to the improvements that will ultimately be taken over by the City. The maintenance bond as it was previously. The filing states that the final site plan will be filed in the office of the Commission. It repeats what is in the Code now. That there is time limitation of one (1) year to begin work that's on approved site plan. It repeats the violations. Any violations will be considered a violation of the Zoning Code.

CHM. SHAW:

Are there any comments from the Commissioners?

COMM. PASSANESI:

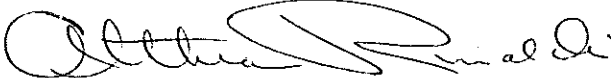
This bond is only in connection with site improvements on the site if the City may eventually assume responsibility for.

CHM. SHAW:

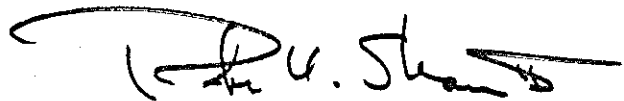
Anyother questions? Any questions, comments from the audience that is left? (It some night!) Hearing none we'll close that item and close the public hearing protion of the meeting for this evening.

ADJOURNMENT

Respectfully submitted:



Althea Rinaldi, Recording Sec'y.



Ralph M. Shaw, Chairman  
COMMISSION ON THE CITY PLAN AND  
ZONING