

*Minutes of 3/21/57
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COMMISSION ON THE CITY PLAN -- EXECUTIVE SESSION -- MARCH 21, 1957

Chairman Traverse called the meeting to order in the Planning & Redevelopment Office at 7:30 P.M.

PRESENT: I. Robert Traverse, Chairman
Arthur Dillon
James Higgins
Joseph Misenti
Seb. J. Passaresi
William Warshauer

LATER PRESENT: Mr. William Griffin /
Mr. William Cote / appointed temporary commissioners when
Mr. Warshauer and Mr. Traverse were
disqualified

The Agenda called for an informal discussion with Messrs. Amos DuBois, Myron Goodrich, and Carroll Campbell, Civil Engineer. These gentlemen were present to discuss the present Revised plans for Highview Acres subdivision. Because of the change in zoning regulations for that area, the aforementioned requested a Public Hearing and was granted the same for April 4. Attorney Clark will send a written petition and the list of abutters to the Secretary; a check to cover the cost of advertising will also be sent. A set of the revised plans was left with the Commissioners.

The Agenda also called for action on the Commission's own proposal for the amendment to the Restricted Residence Regulation. The motion was made and seconded that the following amendment be approved:

SECTION 5. RESTRICTED RESIDENCE ZONES - USES OF PROPERTY

Subdivision (a) thereof is amended by striking out the words:

"Detached dwellings, containing not more than two families"

and inserting in lieu thereof the following:

"Single family dwelling which is hereby defined as a building designed for or occupied exclusively by one family."

SECTION 7. RESTRICTED RESIDENCE ZONES - PROPORTIONAL LOT AREAS AND REQUIRED OPEN SPACES: (see attached)

The motion was unanimously approved. The Secretary is instructed to follow through with the advertisement for Friday, March 22; the amendment to become effective Wednesday, March 27, 1957.

Mr. Griffin and Mr. Cote, who appeared to discuss the Haran Realty petition, were dismissed as no action could be taken at this time. The Commission would wait until its amendment would become effective.

A discussion was had with Corporation Counsel Briggs re: whether or not the erection of two or more homes on an accepted street, constitutes a subdivision, and therefore would come under the supervision of the CPC. Mr. Briggs ruled that two or more homes could be built on accepted street without the permission of the CPC. This was ruled verbally and will be confirmed by letter within a few days.

Meeting adjourned at 9:30 P.M.

ATTEST: *I. Robert Traverse*
I. ROBERT TRAVERSE, SECRETARY PROTEM

COMMISSION ON THE CITY PLAN -- PUBLIC HEARING -- MARCH 7, 1957
COUNCIL CHAMBERS -- 7:30 P. M.

PRESENT: I. Robert Traverse, Chairman
Arthur Dillon (Acting Chairman)
John Higgins
Joseph Misenti
Seb. J. Passanesi
William Cote (Acting)
William Griffin (Acting)
Mayor Harry T. Clew
Attorney Walter D. Briggs, Corporation Council
G. Albert Hill, Director of Redevelopment

The Public Hearing was opened at 7:45 P. M. Mr. Traverse introduced the public hearing on the Haran Realty Company for a subdivision on Farm Hill Road and Huntington Hill Avenue area proposed by the petitioner. Mr. Traverse stated that inasmuch as he was related by marriage to a member of the Haran Realty Company, he would disqualify himself and would not sit in at the public hearing nor have anything to do with the decision regarding this petition. Mr. William Warshauer another Commission on the City Plan Member also disqualified himself, in view of the fact that his daughter lived in the area. Chairman Traverse stated that Mr. William Cote and Mr. William Griffin, two electors sworn in by Mayor Clew, would sit in place of Mr. Warshauer and himself. Chairman Traverse announced that Commissioner Arthur Dillon would act as chairman of this hearing.

Acting Chairman Dillon opened the Public Hearing on Haran Realty Company with the reading of the legal notice, which reads as follows:

SEE FILES ON HARAN REALTY CORPORATION AND
VEGGO F. LARSEN DATED MARCH 7, 1957.

Acting Chairman Dillon then turned the hearing over to the proponents of this petition.

Attorney Aaron Palmer, 252 Main Street, City: I am the attorney who represents the Haran Realty Company. I notice the Chairman said he was related to the petitioner. Actually, he is related to one of the members

of the corporation and not to the corporation. I think it is important to make it clear at the onset of this meeting that this is a hearing on a subdivision plan. It is not a zoning matter; morally and technically it has nothing whatever to do with zoning. I think I ought to explain that the Middletown Planning Commission acts in a double capacity. First, it is a Planning Commission and, as a Planning Commission, it has jurisdiction over approval or disapproval of proposed subdivisions. It also happens to be the zoning commission, in which capacity it has jurisdiction over zoning matters. In many cities there are two separate commissions; one for planning and one for zoning. In Middletown, it just so happens that these powers are embraced in the same body. It should be remembered that they do not act as a Planning and Zoning Commission at the same time. Tonight, it is meeting as a Planning Commission and not otherwise. This distinction which may seem technical to some of you is very important really. While they are acting as a Zoning Commission they act as a legislative body. They have discretionary power to do and not to do certain things. If they feel a certain zoning regulation should be enacted, they can enact it. It is up to their discretion. On the other hand, they do not have that discretionary power as a Planning Commission. I am saying what the courts have said. Their planning capacity is only administratively, and they have to act in accordance with the subdivision regulations of the City of Middletown. Now if the subdivision does comply with the regulations established for the City of Middletown, it is the duty of the Commission to approve it. In the Town of Milford, two or three years ago, the Supreme Court of Connecticut ruled on a case in which the Planning and Zoning Commission said, "You have complied with the rules and regulations of the Town of Milford but we do not think you should have a subdivision of

and the Supreme Court of Connecticut, the highest in Connecticut, said that the Planning Commission acted illegally; that the Planning Commission had no authority whatever to disapprove if the plan complied with the subdivision regulations. If there is compliance, approval is a matter of "right" in the case. It is not discretionary for this Commission to disapprove if we have complied with the subdivision regulations. As a matter of fact the Supreme Court said that to comply

is to take property without due process of law. The greater majority of people attending this hearing are not primarily interested in whether this development complies or does not comply with the Zoning Regulations; I know their interest is not a matter that is on at this hearing; namely, the proposed regulations of 100 foot frontages. Now, I say whether or not the law is changed to require 100 foot lots (my personal opinion is not important) has no bearing whatever on this subdivision plan, which must be concerned with the law as it is and not as it might be changed in some future time. If our plan complies with the law and the

at this time of this hearing, it is the duty and obligation of the Commission to approve. And this is outside of the fact that the Zoning Commission should change the law now or later. The legal rights of any individual are of the greatest importance in our system of law. If a man has the right under the law, he has the right to enforce it; no matter what the majority vote is. Legal rights are determined by existence.

This Commission has the obligation to consider this subdivision and whether or not they comply to those laws in the books right now. It would not be morally or equitably fair to disapprove this subdivision or to hold it up in order to require 100 foot lots. Here is the chronology as to what has occurred. It so happens this piece was contracted on July 3, 1956. In November of 1956, they submitted to this Commission a plan of a layout. Now, at that time, nothing had been said whatever about 100 foot lots throughout the City of Middletown; though the Westfield and Sunnyslope Associations had asked for 100 foot lots for their areas but nothing about the entire City. On December 20, the engineer for this petitioner came to a meeting of the Commission and presented a map to the Commission and asked for the Commission's views in regard to this map. On December 20, there still was no suggestion on the entire city petition, that did not come until after. This petitioner had applied on the assumption that lots smaller than 100 foot fronts were the existing law. While it is not an issue here, I know it is an issue in the minds of the people here. I am not here to argue the 100 foot lots, but I say that any such enactment should not apply in a case where a proposal was submitted to the Commission before this 100 foot lot detail had been suggested or proposed. There is one other point I want to make. There has been some talk about how this development will create a "slum area". I am quoting. Nothing could be further from the truth. These lots are comparable in size to most of the abutting properties and in some cases larger. They compare favorably on 13 of the 33 lots for a minimum of 75 feet. 16 of the 22 have 80 feet or more. I say they are comparable to the surrounding lots. This has a bearing on whether they will be a slum. The same reasoning would apply to the lots already there. I am not making any unsubstantiated comparison. (Mr. Palmer read the lot sizes as they appeared on the map present for Public Hearing). Now, certainly there is as much chance that the adjoining properties would become a slum.

While technically this Commission has no jurisdiction over the houses to be constructed, nevertheless, because of the slum question, and various other small talk, I would like to give you some information on the houses. I have plans for the houses, which may be examined by the public. The houses will sell for \$17,000.00. They will have a living room, dining room kitchen, 3 bedrooms, and 1½ bathrooms. It is hitting pretty low to come out in the newspaper with the accusation that houses of this size and expense will constitute slum areas. They compare favorably with the houses in the neighborhood and, I believe sincerely, they will do no harm to houses of people already in the neighborhood.

At a hearing before the Planning Commission, this is not the procedure. I only want to make this clear to the public. What I am to do now is where we usually start. We are here for submission of the plan. We give it to the Commission, who will look it over and we will call on our engineer. The various City agencies have contacted as to sewers, drains, etc.

and all have been done in accordance with regulations of the City of Middletown. If anyone has questions, I will try to answer them; if not the engineer will.

DILLON: Asked for the plans of the homes, and asked how many there would be alike.

PALMER: Repetition of design will be inevitable.

DILLON: I think that is one of the things a lot of people want to get away from.

PALMER: I sympathize, but under the law no Commission in the whole State of Connecticut has any authority to regulate the design.

DILLON: I did not mean to set regulations of the design. It is only that we would like to have the people see them if possible.

PALMER: They are not all exactly the same. There are some differences in the various houses. The basic layout will be the same.

DILLON: But you will find a uniformity in style.

PALMER: You will find that in all developments. I am not trying to deny it. Perhaps, if the Legislature of this State of Connecticut granted the towns authority to do this, it would be nice. I can understand your interest and I think it would be nice, but there is no legal authority whatever to enable any local body of any kind in this City to do this. (In Coral Gables, Florida, there is a Board of Architects and you cannot build a house in that City unless you get approval on the design of the house.) No law in Connecticut gives you this right.

DILLON: Does your engineer have anything to say.

PALMER called on Mr. Germaine.

GERMAINE: All the lots conform to the Planning Commission's size of lots and the Subdivision regulations.

DILLON asked for further comments from the floor.

ATTORNEY CHARLES W. SNOW, JR.: I am speaking for myself and I also happen to be a practicing attorney in Middletown. I do not technically represent the opposition but I am a member in this group. It is technically true that the hearing tonight is a hearing on the submission of a subdivision plan, but I am sure you will not submit any case rules and proceed on those technicalities but allow me to . . . the whole problem and speak to you in opposition to the plan as a zoning commission, and the two are practically and broadly interrelated although not technically so. Mr. Palmer has related some data to you and I think it is necessary that I give dates.

On August 17th, the Westfield group had a meeting in the School out there in which they had a petition to present to the zoning commission allowing for 100 by 200 foot lots, and there was a front page story in the newspaper. And I assume that the citizens of the Town of Middletown were aware of the fact that they were endeavoring to have the zoning commission change from 75 to 100 foot lots. Then to go along a little further, I do not know the date or the exact date of the filing with the Commission, but I do know the date the ads appeared in the paper. I presume that as the ads appeared on December 23, 1957, I would assume that it had been filed prior to that time. It is true that Haran Realty wrote the letter on November 26, but I am sure Westfield wrote before and that people did know what was going on in the City of Middletown and that there was this 100 foot proposal and that the Haran Realty was not acting in the dark. On December 6, 1957, there was a public hearing which received a great deal of publicity and up to this point no plan had been filed in the Town Clerk's office. Then on December 21, they brought the layout plan and registered it in the Town Clerk's office. At any rate, you heard the Westfield Petition on December 6 and the zoning and planning Commission did nothing until January 3 on the so-called compromise plan. So around

December 25, or prior to that, there was a legal notice in the paper about the compromise plan (stated the regulations regarding advertising of public hearings). Prior to that hearing, the Commission announced that they would grant the Westfield and Sunnyslope petitions. On January 7, there was an executive session at which time they agreed to send a letter to the Haran Realty and in that letter they advised Haran of the Compromise plan. That letter was sent on January and was signed by Mr. Traverse. Since that January 3 hearing, of course, the Board has not acted on that decision. As Mr. Palmer pointed out, it is a legislative function and, of course, they could act on that, in my opinion (on the particular hearing on January 3), at any particular time they so desired. It is within their discretion. Since January 3, this compromise proposal was pending. The Haran Realty filed a petition on February 15 and bought the land on February 15, at least the deed says February 15, so they were quite aware of this petition pending before the zoning commission. Naturally, I would like to see the zoning commission confirm and act on their own proposal prior to acting on the Haran Realty proposal. I do not think there is any particular reason why they could not act on it. After all, it has been pending since January 3.

In answer to Mr. Palmer, when you talk about developments, you look about there and certainly if the lot sizes are 100 feet it will look better from an aesthetic point of view. Mr. Palmer is representing a client in Cromwell with a fine development having 100 foot lots. 75 foot lots do not look as good and if this is so then they will be more valuable. Many people in the Farm Hill area feel that it is your proposal and you have led us to believe you would act on this long before. We signed a petition on February 18 and submitted it to your office. We had put off doing this because I thought the Commission would act on their proposal. I was against putting out a petition because I felt you would act on it. It is true the compromise proposal covers the entire city of Middletown, but when it came to a question of deleting the entire Westfield area, it was promised to do so. I think it is, in my opinion, legally all right to delete the areas and I feel you can do so. If there is a substantial change you cannot do it; I do not think there is here. I realize that you people want to delete the first district. There is no reason why you cannot do so without another hearing. In the Middletown Press of December 19, your correspondent told the people of Middletown, and I quote, that you felt that 100 foot frontages was "good planning". If the correspondent says this, who am I to say otherwise.

JOSEPH A. BABOCK, Arbutus Street: I am a little confused as to the status of the Planning Commission at this time. Are you sitting as the Planning Commission? What are your rights in the light of what Mr. Palmer has said? As the Planning Commission, the question is that if the regulations are complied with then you have nothing to do but approve this subdivision.

DILLON: If all the plans comply then we approve of it.

BABOCK: Then why this meeting?

PALMER: This was submitted previously and we are acting on the plan.

BABOCK: The plan then meets all the objections. If this is true, then the Commission must approve.

DILLON: That is the general procedure.

BABOCK: Then what is the purpose of this meeting?

PALMER: To pass on the plan.

BABOCK: Then does the stand of the Commission for 100 foot lots have any bearing on this petition at this time?

PALMER: It does not have any bearing on the present law.

BABOCK: Is there anything that we taxpayers of the second district, who do not approve of this plan, can do to stop it?

CHARLES HARRIS, Chamberlain Road: Asked that the legal ad be read.

CORPORATION COUNSEL BRIGGS: "Notice is hereby given the Commission on the City Plan will hold a public hearing in the Council Chambers of the Municipal Building on Thursday, March 7, 1957, at 7:30 P.M. to consider the preliminary plat of a subdivision (Farm Hill Homes) proposed by the Haran Realty Company and bounded and described as follows:

Northerly by Newton Street;
Westerly by Farm Hill Road;
Southerly by Clover Street;
Easterly by Hunting Hill Avenue;
Said premises being more fully described
in the MLR, Volume 280, Page 247.

ALL A BUTTING PROPERTY OWNERS HAVE BEEN NOTIFIED BY REGISTERED MAIL. ANY AND ALL PERSONS INTERESTED MAY APPEAR AND BE HEARD.

Dated at Middletown, Conn. this 26th Day of February, 1957; signed I. Robert Traverse, Chr." I take it from this copy of the notice that appeared in the paper that the Commission is sitting here is sitting as the Planning Commission and not the Zoning Commission.

ED -----?, Hunting Hill Avenue: Many of us here tonight were at the meeting on January 3 and we favored the 100 foot frontage petition as proposed by the zoning commission. At that time we asked the Chairman if there were any development in our area submitted and he assured us that no petition had been submitted. And he told us that they would meet in one month from that date and that they had to put in a clause exempting Westfield and Sunnyslope and that is the reason why we are here tonight. We thought this more or less to be a continued meeting. The Chairman has misled us to the effect that they did not meet and act on the 100 foot boundary.

COBURN WHEELER, Carll Road: According to Attorney Palmer, the Commission, consisting of the same people has two functions which are completely separate. The question I would like to ask the gentlemen who read the ads is, "Is there a difference, or are these two functions carried out by the same body?"

BRIGGS: I do not know if they are (?) cited differently because the two commissions are two different bodies even though no distinction is made.

PALMER: It refers to it as the zoning commission. The subject matter always indicates in what way the Commission is sitting. If it is on a subdivision, it is as the Commission on the City Plan. It cannot sit at the same time in both capacities.

MAYOR CLEW: I think the difference is that the changes in the zoning regulations are made by the Commission on the City Plan as the Zoning Commission.

WHEELER: Cannot the Commission at this time possibly act. Do they have to act on this petition at this time. If so, can they now meet as a zoning commission, change the regulations to 100 foot frontages, and then resume the public hearing as the planning commission.

PALMER: They can do it illegally.

WHEELER: The case seems to be on a very thin legal thread. The 100 foot lots are desirable for the entire area. I would suggest that if at all possible this matter be postponed until the Commission could act on what everyone feels they were going to act on as soon as they can.

DR. V. J. VINCI, Randolph Road: I am speaking as a citizen and I am confused by the legal technicalities. It does not make much sense to me if the future development is or 100 foot frontages with what already is presently on the lot. I am interested in 75

VINCI, continued: in knowing what the Commission is planning for the future. It may be that the existing homes were not planned good and not in the light of the future development. And I would like to say that what may have been wrong should not be continued and that is why I would like the Commission to look to the future.

JULIUS MEYERS, 747 South Main Street: It is very apparent that Attorney Palmer is legally and technically correct. It therefore behooves the citizens interested to hire an able attorney. These plans are being forced down their throats because somewhere, somehow, there was a law on planning. Therefore, if the attorney for this development insists on his legal rights, you as citizens will have to get together, hire your own attorney and assist the Commission in any way possible.

BABOCK: In the light of what was just said, I do think we should postpone this hearing.

DILLON: No decision will be made tonight.

REED DANIELS, Cedar Street: I was here on January 3. This room was more populated that evening. I would say that 99% of everyone of the people here felt that in order to have a progressive Middletown, we ought to do something about the types of developments that were going on. The Planning Commission came out very strongly in favor of our petition. At the same time, there were some people from Long Hill and Mr. Shlien asked the Commission about this proposed area in the Farm Hill section. At that point it was brought out that these people wanted the same type of plan that was going to the Westfield and Sunnyslope sections. Now we have a realty company who shows an interest in this property on July 15, and they know nothing about the public system. Why did they wait until November 15. I think they were all well aware.

KENNETH DOOLEY, Farm Hill Road: Back in December, some of my neighbors came to me and asked me about these new houses out there and at that time I contacted the chairman of the Commission here and he assured me that these people would be given a hearing at the proper time, and we have not yet had a decision on the case of the 100 foot lots. Therefore I ask you tonight to postpone plans on these developments and render a decision on the regulations out there. I thought I was assured that within three months we would have a decision. These taxpayers have a right to be given something.

DILLON: Do you mean postpone the decision.

DOOLEY: Yes, and act on the 100 foot fronts.

AL GUILMARTIN (no address) I stood in this very room on January 3 and asked the acting chairman that night that if there were no petitions coming forward such as the Westfield and Sunnyslope areas, if the board would consider the 100 foot frontages petition they brought up themselves. If they would consider that as a stop-gap measure. The Chairman said it was a stop-gap measure. I just can't see how this zoning board who said that at its next meeting it would take care of this 100 foot frontage, can justify morally passing on any plan before that decision is made.

TRAVERSE: In reference to Mr. Guilmartin, at that time there was no petition in the table. I did say that we would give a decision. It so happens we did not have a quorum to act. With no intent to put something over as far as reserving action on our proposal. We are the voice of you people here. There are some cases where legality is enforced. We cannot satisfy everyone. To clear the air as to why we did not have a meeting is that we did not have a quorum. It is now March. It was decided that we go around to see what land is left in the First District, and not just pass a law exclusive of Westfield and Sunnyslope. Laws cannot be made by just writing them. In deleting the First District, Westfield, and Sunnyslope, we have left only the Second District. Our Corporation Counsel did not suggest that we rewrite the law to take in the Second District. We have to accept all petitions that come

TRAVERSE, continued: into our office. It does not matter from whom. Technically we are sitting as the Planning Commission. When we act on it we do not know. What I agree to is that of one man.

BRIGGS: I think the Chairman ought to correct the fact that he does not have a vote in this case.

MR. TRAVERSE, UPON REQUEST OF CORPORATION COUNSEL BRIGGS, RESTATED THAT HE HAS DISQUALIFIED HIMSELF FROM THE PENDING PETITION; HIS REMARKS WERE ASIDE FROM THIS PETITION AND WERE ONLY TO APPLY GENERALLY.

RICHARDS (?), Connery Road: This Chairman does admit that he advised the public that the new zoning law would be acted on at the next meeting. Doesn't the Commission feel morally obligated to pass on this petition before anything else. If we are to have faith in our Commission, we are to expect that their promises will be carried out. Going back to technical matters, our Mr. Snow refuted practically every legal statement that Mr. Palmer made. If there is a dispute then they should go before a judge. Perhaps, Mr. Snow's advice would be just as good as Mr. Palmer's. Let's go back a little bit further. When Middletown first developed it was very much developed in the center. As progress went along, we go to the High Street Area. We are proud of High Street, but we are spending thousands of dollars on Redevelopment of the East Side. Anybody today who owns an auto can travel and another fact is that it doesn't make any difference. In the early days, space was important. You could not get along well; you had to walk to work. You all know what we are here for, we want more space. A house looks better on a 100 foot lot, individually designed, than the same house on 50 foot lot. The Planning Board should do what they think is good for the City of Middletown and we know what that is. You can look at the developments in Middletown and you can see that some are sore spots. I think you should act favorably on your regulations before any subdivisions are considered.

JIM JONES, Farm Hill Road: I wish someone had decided on 100 foot lots. To correct misapprehension, the square foot involved in our property will do it. Our lots are 175 feet deep and 60 foot fronts. Shortly after we bought it, we realized the cramped lot we bought. The only out then to increase the size of our lot was to do something in the back. We went to the bank and asked what we could do and were told why not buy lots on the proposed street. This I prepared to do. I sold the part in back on West Road to him. 15,000 square feet. The balance, which is mine now, is entirely satisfactory and it is 20,000.

WILBUR BATTY, Clover Street: I understand the board is meeting as the Planning Commission. I understand that you fill a dual capacity. I understand that you sent a registered letter. If all the abutting property owners ask it, I think the Commission should postpone this hearing. It did not and cannot come up with the right answer.

RAY HUBBARD, ? address: You people spent 25 cents to send me a letter to this meeting. If it means nothing to me, why did you notify me.

ACTING CHAIRMAN DILLON: That is part of the law.

HUBBARD: But apparently it does not mean anything. I for one object to the whole blame business on Long Hill.

BATTY: I would like to ask those who object to stand.

EDWARD KALIDA, Huntinghill Avenue: I think we ought to get point where we distinguish as to the Planning or Zoning Board. It is the Planning Board that is here tonight. I think we had enough publicity from the papers.

STANDARD B & P "NOISE"

P "NOISE"

BRIGGS: I am thinking as an attorney. I think the people have the wrong impression as to what the Chairman has said and what Mr. Palmer has said. I am not taking sides; I am speaking as the Corporation Counsel. This is a meeting of the Planning Commission and a notice as such appeared in the paper. The Commission was set up by Special Act to the Statutes. When the statement is made that the Planners will meet, that does not mean that the Commission does not listen to what the general public will apparently have to say. The purpose in having a public hearing is to give all of those immediately concerned with a subdivision the right to appear and make sure that the regulations of the City will be met.

BABOCK: In the light of what that Gentleman has said, it seems futile that we people should be here if we cannot influence the Commission. I think they should have a postponed meeting to hear the case on the 100 foot frontage.

GUILMARTIN: Immediately following the January 3 meeting, I called on the Acting Chairman at that meeting and he informed me that some of the committee was going to Florida and that the first meeting in March which would be on the first Thursday in March would be taken up with the decision on the 100 foot frontages.

MRS. LYMAN, Brown Street: Are you discussing the Long Hill?

DILLON: This is the Haran Realty; there is another following this.

LOU DANIELS: I am not quite clear in my mind as to what will happen. We the people of the Farm Hill area made known our feelings about the 100 foot frontages. Are we to appear before another zoning meeting to present our case for 100 foot lots? As I understand it, the Commission would not meet because of "no quorum". If we all stood up, about 99% of us are in favor of 100 foot lots. Because of no quorum, are you going to have another meeting so that 100 foot fronts will go through before this subdivision.

DILLON: We will have an executive session on the meeting of January 3.

DANIELS: Can you approve this plan at your next executive meeting. Can you guarantee us that before you people act on the Haran Realty Corporation plan, we can state our case.

BRIGGS: He is not in a position to answer that as only one member of the Board. After this meeting is over, it is within the discretion of the Commission in its executive session. The Commission does not discuss its policies and conclusions in public.

DANIELS: Can you promise us, the public, to see whether or not you will say to us that before you approve the Haran Realty plan you are going to give us a chance for our petition on the 100 foot frontages.

BRIGGS: I cannot answer that.

BABOCK: Can we petition this Zoning Commission to hold a meeting before it passes.

DILLON: I believe this Committee has its discretion to call its own meetings.

A MEMBER OF THE PUBLIC: You are completely divorced from zoning tonight and it must be settled before you can go back to the zoning commission. I want to know if this has to be settled before it can think as a zoning commission?

BRIGGS: No. It is within their discretion to decide this matter.

SHLIEN: I believe there was a public hearing on this new proposed zoning change presented to the public by the zoning & planning commission. They have had plenty of time to act on this. Why has it not been acted on?

DILLON: Because we did not have a quorum.

SHLIEN: Couldn't I at this time ask the Commission to hold an executive session before you act on the Haran Realty.

JOSEPH KOLINSKI, Ridge Road: I have listened to the people at this hearing. It seems to me that the Planning Commission sent a letter in the mail for planning rather than zoning. If the petition was not for zoning why is it being heard.

GUILMARTIN: What happened to the third Thursday in January.

TRAVERSE: We had a request because of an option asking for a public hearing. There is nothing that can be done by the City zoning and planning commission until we have a public hearing. The public hearing was held regarding the Maromas Realty for a change of Zone to commercial at that third Thursday.

FRED SMITH: Would it be advisable to table what has taken place and call the zoning commission into session?

BRIGGS: That has been answered before. They cannot sit as a zoning commission tonight. It is their discretion to do what they want as far as tabling. I think the questions are going beyond a public hearing. It is going into the matter of committee legation.

SMITH: I think it is permissible for them to table this on the strength of the statements they have received.

BRIGGS: It is a matter within their discretion. They cannot tell you what they are going to do.

HIGGINS: This is only a public hearing. We have to get the opinion of the Board before a decision is given. Everyone here has the right to give their opinion which will be considered by the Board at an executive session.

SMITH: Who appears at the executive session.

DILLON: Only the members of the Commission.

FOX, Farm Hill Road: I want to know who will meet first; the zoning board or the planning board, since there is a petition before the zoning board?

DILLON: That will be left to the discretion of the Board

FOX: I want to know who will meet first. Does not there exist a normal obligation as to the zoning petition before you. Is there any formality as to which board meets first. The zoning board has been quiet until January 3.

BRIGGS: It is entirely possible. And the same answer I have given to the last people who spoke goes here; it is at the discretion of the Board.

TRAVERSE: On the zoning matter, we are going to rewrite our petition.

FOX: Can you delete without a public hearing?

BRIGGS: Within limits it is possible to delete. It is impossible to add, and I have discussed that matter with the commission at a prior meeting and it was my opinion that the amount that was being deleted would have to have another meeting.

FOX: Then another public hearing will have to be heard on this public hearing.

COLEMAN WEISS, Hunting Hill Avenue: Does the zoning and planning board have By-laws. Is there anything in writing as far as the rules and regulations go. What does it say regarding the missing of meetings?

DILLON: We have two meetings a month. If there is not a quorum, we have to call a special meeting.

SMITH: Would it not be possible for the planning commission to continue this hearing before the zoning meeting can meet.

DILLON: I think the Corporation Counsel has cleared that. We do not make any motions at a public hearing.

BRIGGS: It would be out of order during the public hearing. The public hearing is set to hear what is being presented before it. I think it is their right to do that when the public hearing is closed.

HUBBARD: Will it be in order for the commission to table this meeting so that we may go home.

JIM JONES: I think that while at this time you are sitting as a planning board, that before you act as a planning commission you should act as the zoning commission.

DILLON: We will take up at the executive session all that we need.

JONES: We know, but we want you to act as a zoning board before you act as a planning commission. I think this is only fair since the chairman assured us that they would meet and decide on the 100 foot frontages.

TRAVERSE: Again reiterated why the board had not met.

GUILMARTIN: To say that you have an executive session on the third Thursday, yet in January because of the urgency of the Maromas matter you had a public hearing instead at that time. Why couldn't you have a public hearing on the third Thursday of March.

In the process of explaining the Board's policy, the public seemingly not able to understand it, Chairman Dillon declared that the ensuing comments were not pertinent to the petition being heard and therefore this portion of the Public Hearing was declared adjourned.

A short recess was called.