

PLANNING AND ZONING COMMISSION REGULAR MEETING MARCH 25, 2009, 7:00 P.M.
PAGE 1 OF 5

Acting Chair Richard Pelletier, Comm. James Fortuna, Comm. Les Adams, Comm. Ron Borelli, Comm. Catherine Johnson, Comm. Deborah Kleckowski, Comm. Carl Bolz, Comm. Quentin Phipps

MEMBERS
PRESENT

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

MEMBERS
ABSENT

William Warner, Director

STAFF

There were twenty (20) 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

There was no discussion.

ITEM 2
DISCUSSION

On motion and second by Comms. Ron Borelli and Carl Bolz the Commission accepted withdrawal of a proposed Special Exception to allow a café in Metro Square at 170-6 Main Street. Vote was unanimous. Applicant/agent The Shadow Room/Nicolas Cacaci SE2009-2

ITEM 3.1
ACCEPTED
WITHDRAWAL
OF A PRO-
POSED SPECIAL
EXCEPTION TO
ALLOW A CAFÉ
IN METRO
SQUARE AT
170-6 MAIN
STREET

Atty. Ralph Wilson explained the proposal and introduced a speaker. J. Balusher, an engineer, reviewed the parking study and agreed to the departmental comments. He concluded that the parking proposed in the parking study is adequate, proposed signage at the Grand Street and Liberty Square lots, and explained the plan to increase parking spaces. Lengthy discussion ensued regarding parking in the downtown. Comm. Deborah Kleckowski had concerns about the Common Council's Request for Proposals (RFPs) process and deadline, which had not passed. Robert Olson, the architect, explained the building and elevation in relation to the Eli Cannon building. Comm. Catherine Johnson questioned the elevation and that there will be no windows on Grand Street. Acting Chair Richard Pelletier questioned an ally. Robert Olson responded. Mark Masselli, Director of the Community Health Center, commented on the tremendous benefits of the project and the process. From the public, Heather Terry, a former resident at 16 Grand Street, was opposed to the plan. P. Ouellette, Eli Cannon's, was concerned but is now supportive of the need to improve the trolley barn lot with lights, etc. B. Stegal, a worker at Royal Display, felt it would be a good parking area that will be relocated if it happens. Beth Emery commented that the parking

ITEM 3.2
GRANTED
SITE PLAN AP-
PROVAL TO
CONSTRUCT A
NEW MEDICAL
FACILITY WITH
A SPECIAL EX-
CEPTION FOR A
NON-RETAIL
USE ON THE
FIRST FLOOR
TO BE LOCATED
AT THE NORTH-
WEST CORNER
OF THE INTER-
SECTION OF
GRAND AND
MAIN STREETS

study coincided with the Wesleyan University spring break, questioned what handicapped parking spaces were available where, had concerns for pedestrians and especially bicycles coming into Middletown from the Portland Bridge and felt the increased traffic should necessitate a traffic study and perhaps there should be parallel parking in front of Eli Cannon's and the new Community Health Center. Eleanor Kelsey commented on the process and the owner's signatures. William Warner clarified that Mayor Sebastian Giuliano had signed the application form. P. Young, a tenant of the building, had concerns about relocation. Comm. Ron Borelli commented that that was not within the Commission's authority. A. Hennick, an employee of the Community Health Center, read a letter of endorsement from the North End Action Team into the record. Comm. Carl Bolz questioned retail on the first floor. Comm. Catherine Johnson questioned the size of the optical store on Main Street. Mark Masselli indicated the size will be three hundred (300) sq. ft., commented on the owner of the trolley barn, who is from Maryland, and that the Community Health Center will light the trolley barn parking lot with security cameras. Jennifer Saines felt the Grand Street façade needed windows. On motion and second by Comms. Ron Borelli and James Fortuna the Commission closed the public hearing. Vote was unanimous. Comm. Ron Borelli felt the meeting provided a lot of information. Comm. Carl Bolz commented on parking and retail issues. A motion to grant Site Plan Approval to construct a new medical facility with a Special Exception for a non-retail use on the first floor to be located at the northwest corner of the intersection of Grand and Main Streets with the condition that: 1) The Community Health Center submit a letter expressing their clear intent to abandon their non-conforming rights to non-retail frontage at 630 and 635 Main St. and any new tenant or use will conform to current Zoning Code requirements, once the current uses will be moved to the new building; 2) The Community Health Center will make arrangements to lease long-term, non-public parking for staff in an area that will not have an adverse impact on daytime parking and that the Health Center will not use the new parking lot adjacent to its building for staff parking needs; 3) The City of Middletown will own and have sole authority to determine parking policies for the new parking lot; 4) Require the use of tree grates for all street trees; 5) Work with Eli Cannon's Restaurant to determine the best access route for patrons from the parking lot to the restaurant; and 6) Compliance with all department comments was made by Comm. Ron Borelli and seconded by Comm. Les Adams. A friendly amendment to include: there be assistance in the relocation of tenants in accordance with federal regulations; and there be windows on the side facing Grand Street was accepted. Comm.

Catherine Johnson felt the Community Health Center should work toward retail on the first floor in the future. Comm. Deborah Kleckowski had concerns about the neighborhood, the streetscape and the public hearing signage. William Warner commented. Comm. Quentin Phipps encourage the Commission to support the plan and pursue retail. Acting Chair Richard Pelletier spoke in support. Comm. Ron Borelli felt the approval was limited. The main motion as amended passed unanimously. Applicant/agent Community Health Center, Inc./Robert Olson (Robert Olson & Associates) SE2009-5

There was no Old Business.

ITEM 4.1
OLD BUSINESS

J. Hallisey explained the proposal and agreed to all the departmental conditions. Bruce Bannerman, Delta Building Corp., explained the building and the elevations. Comm. Ron Borelli questioned the Public Works Departmental comment. Comm. Catherine Johnson questioned the tree planting. On motion and second by Comms. Ron Borelli and Les Adams the Commission granted Site Plan Approval to construct a food processing/manufacturing facility on Lots 10, 11, and 12 of the Liberty Commerce Industrial Park off Middle Street with the condition that all departmental comments be addressed. Vote was unanimous. Applicant/agent Delta Building Corp./Bruce Bannerman SPR2009-17

ITEM 5.1
GRANTED
SITE PLAN
APPROVAL
TO CON-
STRUCT A
FOOD PRO-
CESSING/
MANU-
FACTURING
FACILITY
ON LOTS 10,
11, AND 12
OF THE
LIBERTY
COMMERCE
INDUSTRIAL
PARK OFF
MIDDLE
STREET

William Warner explained. Comm. Ron Borelli questioned parking. William Warner explained the parking plan. Comm. Catherine Johnson felt this is a major exception, that there should be payment for the parking lot so that the City can buy more land, that there should be a one for one replacement and that the Community Health Center building off Main Street (a former bowling alley) should be demolished and not the houses on Grand Street. Comm. Les Adams discussed the impact. A motion to give an affirmative G.S. 8-24 Review to convey a parcel of city owned land located at the intersection of Main and Grand Streets with the conditions of approval be submitted to the Common Council was made by Comm. Ron Borelli and seconded by Comm. Les Adams. Comm. Carl Bolz felt the Commission should consider the bicycling community and the possibility of parallel instead of angle parking. Vote was un-

ITEM 5.2
GAVE AN AF-
FIRMATIVE
G.S. 8-24 RE-
VIEW TO CON-
VEY A PAR-
CEL OF CITY
OWNED LAND
LOCATED AT
THE INTER-
SECTION OF
MAIN AND
GRAND
STREETS

animous. Applicant/agent City of Middletown Economic Development Committee

On motion and second by Comms. Carl Bolz and Ron Borelli the Commission scheduled a public hearing date of April 22, 2009 for a proposed Zoning Code text amendment to modify Section 61.01.32 Retail sales or rental to allow distribution of food products to general public. Vote was unanimous. Applicant/agent St. Vincent DePaul/Dowley & Associates Z2009-1

ITEM 5.3
SCHEDULED P.H.
4/22/09 FOR A
PROPOSED
ZONING CODE
TEXT AMEND-
MENT TO
MODIFY SEC-
TION 61.01.32
RETAIL SALES
OR RENTAL TO
ALLOW DIS-
TRIBUTION OF
FOOD PRO-
DUCTS TO
GENERAL
PUBLIC

The following correction was noted: On Page 5, remove the sentence "Acting Chair Richard Pelletier ruled Comm. Catherine Johnson out of order". On motion and second by Comms. Carl Bolz and James Fortuna the Commission approved the minutes of the February 25, 2009 regular meeting as amended. Vote was unanimous with Comm. Deborah Kleckowski abstaining.

ITEM 6.1
APPROVED THE
MINUTES OF THE
2/25/09 REGULAR
MEETING AS A-
MENDED

On motion and second by Comms. Carl Bolz and James Fortuna the Commission approved the minutes of the March 11, 2009 regular meeting. Vote was unanimous.

ITEM 6.2
APPROVED THE
MINUTES OF THE
3/11/09 REGULAR
MEETING

On motion and second by Comms. Catherine Johnson and Deborah Kleckowski the Commission tabled the Zoning Enforcement Officer's Report. Vote was unanimous.

ITEM 6.3
TABLED THE
ZEO REPORT

Comm. Catherine Johnson felt the Chair candidates should give their qualifications. Comm. Les Adams nominated Comm. Deborah Kleckowski and Comm. Catherine Johnson seconded. Comm. James Fortuna nominated Comm. Barbara Plum and Comm. Carl Bolz seconded. The election of officers was tabled.

ITEM 6.4
ELECTION
OF OFFICERS

On motion and second by Comms. Deborah Kleckowski and Ron Borelli the Commission approved Section 7A of the Commission Bylaws as proposed. Vote was unanimous. On motion and second by Comms. Carl Bolz and James Fortuna the Commission tabled

ITEM 6.5
COMMISSION
BYLAWS

the remainder of the Commission Bylaws. Vote was unanimous.

Comm. Deborah Kleckowski felt there currently is no chair in place and it should be removed from the agenda. Comm. Carl Bolz felt there is a need for a legal opinion. A motion to remove the chair from the agenda was made by Comm. Deborah Kleckowski and seconded by Comm. Les Adams. The motion failed with Comms. Richard Pelletier, James Fortuna and Carl Bolz opposed and Comms. Ron Borelli, Les Adams, Deborah Kleckowski and Catherine Johnson in favor. Comm. Catherine Johnson questioned the vacant alternate seat. Comm. Ron Borelli felt Comm. Barbara Plum should be reporting on the Citizens Advisory Committee and the MidState Regional Planning Agency meetings and that the Commission should move on with election of the chair.

ITEM 6.6
OTHER COM-
MISSION AF-
FAIRS

Comm. Catherine Johnson commented on the March 18, 2009 input session.

ITEM 6.7
PLAN OF CON-
SERVATION AND
DEVELOPMENT

Eleanor Kelsey commented on the Kolman Farm and the current activity.

ITEM 8
DISCUSSION

On motion and second by Comms. Catherine Johnson and Les Adams the Commission adjourned the meeting at 11:10 p.m. Vote was unanimous.

ITEM 9
ADJOURNMENT

Respectfully submitted,

William Warner, AICP
Director