

PLANNING AND ZONING COMMISSION REGULAR MEETING APRIL 12, 1995, 7:00 P.M.
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Chm. W. Lee Osborne, Vice-Chm. Philip Halibozek,
Sec'y Stephen Shaprio, Comm. Ann Loffredo, Comm.
Anthony Vasiliou, Comm. Jennifer Alexander, Comm.
Francis Patnaude (9:00), Comm. Stephen Gadowski,
Dir. P.W. Salvatore Fazzino, Ex-Officio

COMMISSION
MEMBERS
PRESENT

Comm. Sebastian Passanesi, Comm. John Robinson,
Comm. Gerard Winzer, Mayor Thomas J. Serra,
Ex-Officio,

COMMISSION
MEMBERS
ABSENT

William Warner, Planning Director

STAFF

There were approximately twenty members
of the public present.

PUBLIC

On motion and second by Comms. Stephen Shapiro
and Ann Loffredo the Commission approved the
minutes of the March 22, 1995 meeting. Vote
was unanimous.

ITEM 2.1
APPROVED MINUTES
OF 3\22\95
MEETING

The Commission acknowledged the ZEO Sign and
and Monthly Reports.

ITEM 3.1\3.2
ACKNOWLEDGED
ZEO SIGN AND
MONTHLY REPORTS

On motion and second by Comms. Ann Loffredo and
Stephen Shapiro the Commission tabled a request
for reduction of the cash bond for Talcott Ridge
Subdivision. Vote was unanimous. Applicant\agent
Farmers & Mechanics Bank\Pau J. LaMonica, Vice
President S87-17

ITEM 4.1
TABLED REQUEST FOR
REDUCTION OF CASH
BOND FOR TALCOTT
RIDGE SUBDIVISION

On motion and second by Comms. Ann Loffredo and
Stephen Shapiro the Commission granted model home
approval for Lots 23, 24, and 25 of Country View
Estates, Phase III, Margarite Road. Vote was
unanimous. Applicant\agent Cambridge Homes, Inc.\
Glenn Russo, President S93-17

ITEM 4.2
GRANTED MODEL HOME
APPROVAL FOR LOTS
23, 24 AND 25 OF
COUNTRY VIEW
ESTATES, PHASE III

On motion and second by Comms. Ann Loffredo and
Stephen Shapiro the Commission granted model home
approval for Lots 28 and 30 of Southwind
Subdivision, Phase IV, Long Hill Road. Vote was
unanimous. Applicant\agent Atty. Dean A. Thomasson
S92-6

ITEM 4.3
GRANTED MODEL HOME
APPROVAL FOR LOTS
28 AND 30 OF
SOUTHWIND
SUBDIVISION, PHASE
IV

Hampton Watson, Jr. explained the proposal. The
Commission questioned the applicant. The applicant

ITEM 5.1
DENIED REQUEST FOR

responded. Discussion ensued regarding parking, loitering, etc. William Warner commented. Hampton Watson, Jr. commented further. The use would be similar to the White Onion. Discussion continued. A motion to approve was made by Comm. Anthony Vasiliou and seconded by Comm. Ann Loffredo. Comms. Philip Halibozek, Stephen Shapiro and Anthony Vasiliou did not support the motion as they didn't feel the proposed use was less intensive. The Commission unanimously denied a request for change of a non-conforming use from a hair salon to a carry-out restaurant 27 Silver Street. Applicant\agent Hampton Watson, Jr.

CHANGE OF NON-
CONFORMING USE AT
27 SILVER STREET

On motion and second by Comms. Ann Loffredo and Stephen Shapiro the Commission scheduled a public hearing date of April 26, 1995 for a proposed Zoning Code text amendment to modify Section 61.02.23 to allow solid waste facilities in the IT zone by Special Exception. Vote was unanimous. Applicant\agent Philip C. Armetta\Santo Longo\ Attorney Z95-11

ITEM 5.2
SCHEDULED P.H.
4\26\95 PROPOSED
ZONING CODE TEXT
AMENDMENT TO MODIFY
SECTION 61.02.23 TO
ALLOW SOLID WASTE
FACILITIES IN THE
IT ZONE BY SPECIAL
EXCEPTION

On motion and second by Comms. Ann Loffredo and Stephen Shapiro the Commission scheduled a public hearing date of April 26, 1995 for a proposed Zoning Code text amendment to modify Section 55 Site Plan Approval Requirements. Vote was unanimous. Proponent P & Z Dept. Z95-12

ITEM 5.3
SCHEDULED P.H.
4\26\95 PROPOSED
ZONING CODE TEXT
AMENDMENT TO MODIFY
SECTION 55 SITE
PLAN APPROVAL
REQUIREMENTS

Salvatore Fazzino explained the proposal. Comm. Anthony Vasiliou questioned the proposal. Salvatore Fazzino responded. On motion and second by Comms. Stephen Shapiro and Ann Loffredo the Commission gave an affirmative G.S. 8-24 Review for acquisition of two parcels on River Road for easement to slope and temporary construction easement for safety road improvements to River Road. Vote was unanimous. Applicant\agent City of Middletown Public Works Department

ITEM 5.4
GAVE AN AFFIRMATIVE
G.S. 8-24 REVIEW
FOR ACQUISITION OF
TWO PARCELS ON
RIVER ROAD FOR
EASEMENT TO SLOPE
AND TEMPORARY
CONSTRUCTION EASE-
MENT FOR SAFETY
ROAD IMPROVEMENTS
TO RIVER ROAD

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

ITEM 6
P.H. TAPE
RECORDING

Comm. Stephen Shapiro read the Legal Notice into the record. Com. W. Lee Osborne read the Legal Opinion into the record. Comm. Anthony Vasiliou responded to the Legal Opinion at length. Comm. Stephen Shapiro commented on councilmatic members reasons for opinions. Discussion ensued. Atty. Philip Karpel commented on the Legal Opinion and on the proposal. Robert Fusari commented. Comm. Jennifer Alexander questioned the real reason for the application. Robert Fusari responded. Chm. W. Lee Osborne questioned the density. Robert Fusari responded. He commented on William Warner's comments. Comm. Anthony Vasiliou questioned ownership. Robert Fusari responded to other issues. B. Hill and J. Carney from INFORM commented on the loss of industrial land. Comm. Anthony Vasiliou commented. J. Carney responded and suggested an alternate piece of land. Discussion ensued. From the public, Monica Hopkins, a resident of The Meadows at Riverbend, feels Middletown is a great place and that the golf course is a positive thing. George Souto feels the golf course shouldn't be mixed into this. It should be judged on its own merits. Comm. Francis Patnaude entered the meeting at this time. W. Kuehn, Municipal Development Director, reviewed the history. Discussion ensued. Charles Harris commented on the golf course. K. Morris, a resident of The Meadows at Riverbend, supports the proposal. Carl Bolz, Westfield Residents for Rational Development of Middletown, feels the present zone line is not a good line and needs to be addressed. He has some concerns over the 1,000 foot requirement. D. Sanford, a resident, supports the proposal. P. Twiliger, a resident, supports the proposal. J. Hart, a resident, supports the proposal. Comm. Stephen Shapiro read MidState Regional Planning Agency's letter into the record. Robert Fusari responded to the comments. A motion by Comm. Stephen Shapiro and seconded by Comm. Ann Loffredo to close the public hearing failed. Comm. Anthony Vasiliou questioned the residential possibilities now. Robert Fusari responded. On motion and second by Comms. Stephen Shapiro and Ann Loffredo the Commission closed the public hearing. Vote was unanimous. The Commission recessed for five

ITEM 6.1\6.2
ADOPTED ZONING TEXT
AND MAP AMENDMENTS
FOR SECTIONS
21.10A, 44.08.39,
60.02.37 AND
REZONING OF
TUTTLE ROAD FROM
I-2 to R-1 WITH
EFFECTIVE DATE OF
APRIL 30, 1995

minutes. On motion and second by Comms. Stephen Shapiro and Ann Loffredo the Commission adopted a Zoning Map amendment to rezone a piece of property located off Tuttle Road East, on the west side of Newfield Street, and just south of the Cromwell town line from I-2 Restricted Industrial to R-1 Restricted Residence with an effective date of April 30, 1995. Vote was unanimous with Comm. Anthony Vasiliou abstaining. On motion and second by Comms. Stephen Shapiro and Ann Loffredo the Commission adopted Zoning Code text amendments to add Sections 21.10A, 44.08.39, and 60.02.37 Modifications of Frontage and Area Requirements on Lots Established Subsequent to 1982 with an effective date of April 30, 1995. Vote was unanimous with Comm. Anthony Vasiliou abstaining. Applicant\ agent Tuttle Road Associates\Philip F. Karpel, Attorney Z95-5, Z95-7

Atty. Michael Dowley and Michael Ryna explained the proposal and its history. The previous departmental comments were reviewed. The letter from the Middlesex County Chamber of Commerce was read into the record. A petition with over 3,000 signatures for support was submitted. Atty. Michael Dowley reviewed the Special Exception criteria. He summarized the need to balance priorities. Michael Ryan commented on the need for a drive thru. Comm. Stephen Shapiro questioned ADA Special Exception requirements. Atty. Michael Dowley responded. Comm. Anthony Vasiliou questioned at length. E. Gallitto read a letter from F. Muraca and M. Chubbuck into the record. He expressed his opposition at length. Charles Harris commented on air pollution at length. Carl Bolz states his opposition. D. Jones stated his opposition. Philip Redford stated his opposition based on litter. K. Coley stated her opposition. A. Siniscalchi commented regarding air pollution. He is qualified as an expert in epidemiology. Atty. Michael Dowley responded to comments. On motion and second by Comms. Stephen Shapiro and Philip Halibozek the Commission closed the public hearing. Vote was unanimous. A motion to adopt Zoning Code text amendments to add Sections 44.08.41 and 61.02.32 Drive Thru Restaurants in order to

ITEM 6.4
DENIED PROPOSED
ZONING CODE
AMENDMENT TO ADD
SECTIONS 44.08.41
AND 61.02.32 DRIVE
THRU RESTAURANTS

allow drive thrus in the B-2 zone with an effective date of April 30, 1995 was made by Comm. Stephen Shapiro and seconded by Comm. Philip Halibozek. Comms. Ann Loffredo, Stephen Gadomski, Philip Halibozek, and Chm. W. Lee Osborne voted in favor and Comms. Stephen Shapiro, Anthony Vasiliou and Jennifer Alexander were opposed. The motion was denied. Applicant\ agent Michael Ryan\Attorney Michael F. Dowley Z95-8

On motion and second by Comms. Anthony Vasiliou and Ann Loffredo the Commission tabled a request for a three year extension of the preliminary approval granted for Westfield Hills Subdivision, Phase II, located off of the west side of Atkins Street and south of Timber Ridge Road (18 lots). Vote was unanimous. Applicant\agent Resource Development Corporation\William J. Kotchen S87-26

Comm. Francis Patnaude left the meeting at 11:15 P.M.

Salvatore Fazzino made the presentation. No one from the public spoke. On motion and second by Comms. Ann Loffredo and Philip Halibozek the Commission adopted a Zoning Map amendment to rezone City Yard at 485 Washington Street from M Multi-family to PSUZ Public Service Utility with an effective date of April 30, 1995. Vote was unanimous. Applicant\agent City of Middletown Public Works Department Z95-9

William Warner explained the proposal and recommended approval with the conditions that the Public Works and Water\Sewer comments be addressed. On motion and second by Comms. Ann Loffredo and Stephen Shapiro the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. Stephen Shapiro and Ann Loffredo the Commission approved a Lot Line Revision with a Special Exception for smaller lots at 5 Ranger Avenue with the condition that the Public Works and Water\Sewer comments be addressed. Vote was unanimous. Applicant\agent Carmelo & Grace Ternullo L95-3

On motion and second by Comms. Anthony Vasiliou and Stephen Shapiro the Commission moved to divide the question of gambling on its own.

ITEM 6.4
TABLED REQUEST
FOR THREE YEAR
EXTENSION OF THE
PRELIMINARY
APPROVAL FOR
WESTFIELD HILLS,
PHASE II

ITEM 6.5
ADOPTED ZONING MAP
AMENDMENT TO REZONE
CITY YARD AT 485
WASHINGTON STREET
FROM M TO PSUZ WITH
EFFECTIVE DATE OF
APRIL 30, 1995

ITEM 6.6
APPROVED A LOT LINE
REVISION WITH A
SPECIAL EXCEPTION
FOR SMALLER LOTS
WITH CONDITIONS AT
5 RANGER AVENUE

ITEM 6.7
ADOPTED ZONING CODE
TEXT AMENDMENT TO

Vote was unanimous. William Warner explained the proposal. John Hall read a prepared statement regarding prohibition of gambling into the record. He is in support of the prohibition and was speaking for Middletown Clergy. Carol Ann Dion supports the text change to prohibit gambling. Shirley Harris supports both amendments and feels the Commission needs the control. Maria Holzberg read a prepared statement supporting the proposal. R. Skoglund, Greater Middletown League of Women Voters, supports the proposal to prohibit gambling. S. Tomiko supports the prohibition on gambling. Carl Bolz, Westfield Residents for Rational Development of Middletown, Inc., supports the prohibition on gambling and the other amendments. George Souto doesn't feel the City should allow unlimited expansion of existing facilities. He feels these amendments will send a message to the Governor. If the consolidation occurs, support facilities will not be there. The gambling should move ahead and be approved. K. Humphrey is opposed to gambling and supports the proposal. This will send a clear message. J. Walter asked for a continuation to try to develop more workable language. Comm. Philip Halibozek questioned any immediate plans for expansion. J. Walter stated no but is concerned about restrictions. Comm. Ann Loffredo questioned what groups were represented. J. Walter responded. Discussion ensued on continuation. Comm. Stephen Shapiro read the letter from the Mayor and from Fran Muraca into the record. Charles Harris supports the proposal on gambling. On motion and second by Comms. Ann Loffredo and Philip Halibozek the Commission closed the public hearing on the gambling. Vote was unanimous. On motion and second by Comms. Stephen Shapiro and Philip Halibozek the Commission continued the public hearing on proposed Zoning Code text amendments to modify Section 61.05 Prohibited Uses, 60.02.29 and 61.02.22 Care\Nursing Homes; and delete Sections 61.01.40 Rooming Houses and 61.02.29 Motel, tourist courts. Vote was unanimous. On motion and second by Comms. Anthony Vasiliou and Philip Halibozek the Commission adopted a Zoning Code text amendment to add Subsection 61.05.01, a prohibition on gambling, with an effective date of April 30, 1995. Vote was unanimous. Comm. Anthony Vasiliou commented in

ADD SUBSECTION
61.05.01, A
PROHIBITION ON
GAMBLING WITH AN
EFFECTIVE DATE OF
APRIL 30, 1995 AND
TABLED ZONING CODE
TEXT AMENDMENTS TO
MODIFY SECTIONS
61.05, 60.02.29,
AND 61.02.22;
DELETE SECTIONS
61.01.40, 61.02.09

support. Comm. Philip Halibozek commented in support and praised the Director. Comm. Stephen Shapiro supports the motion but feels everyone should be heard. He commended staff. Proponent P & Z Comm. Z95-10

Comm. Anthony Vasiliou disqualified himself. Atty. Philip Karpel explained the proposal and agreed to all departmental comments. On motion and second by Comms. Ann Loffredo and Stephen Shapiro the Commission granted final approval for a resubdivision of property currently known as 921 Saybrook Road and 630 Bartholomew Road with the condition that all departmental comments be addressed. Vote was unanimous. Applicant Agent CMP Construction Co., Inc. Michael O'Brien, Vice President S95-4

There was no discussion.

Adjournment was at 12:40 P.M.

Respectfully submitted,

William Warner
Director of Planning

ITEM 6.8
GRANTED FINAL
APPROVAL FOR
RESUBDIVISION AT
921 SAYBROOK ROAD
AND 630 BARTHOLOMEW
ROAD

ITEM 7
DISCUSSION
WITH PUBLIC

ITEM 8
ADJOURNMENT