

PLANNING AND ZONING COMMISSION REGULAR MEETING APRIL 14, 1999,
7:00 P.M. PAGE 1 OF 6

Chm. W. Lee Osborne, Comm. William Holley III,
Comm. David Roane, Comm. Corrine Dorsey, Comm.
James Fortuna, Comm. Barbara Plum, Comm. Victor
Liburdi, Dir. P.W. Salvatore Fazzino, Ex-Officio

COMMISSION
MEMBERS
PRESENT

Comm. Anthony Vasiliou, Comm. Carl Bolz, Comm.
Carl Chisem, Mayor Domenique Thornton, Ex-Officio

COMMISSION
MEMBERS
ABSENT

William Warner, Director of Planning, Wayne T. Bell,
Zoning Enforcement Officer

STAFF

There were approximately twenty-five members
of the public.

PUBLIC

Chm. W. Lee Osborne requested a waiver to the rules
and the Commission allowed this item to follow Item
#4.1

ITEM 2
DISCUSSION WITH
PUBLIC ON ITEMS
ON AGENDA

This item was tabled until after the public hearing.

ITEM 2a
ZEO REPORT

William Warner explained the Inland Wetlands and
Watercourses Agency approval and the site line
resolution. Comms. Corrine Dorsey and Barbara Plum
indicated that they had reviewed the minutes and were
prepared to vote. On motion and second by Comms.
David Roane and Victor Liburdi the Commission
granted final approval of a three (3) lot resubdivision
of the property of Salvatore Fazzino located on
Bartholomew Road south of Shunpike Road to be
known as Dina Estates with the condition that all
departmental comments be addressed. Vote was
unanimous. Applicant/agent Salvatore Fazzino S99-3

ITEM 3.1
GRANTED FINAL
APPROVAL OF
A THREE LOT RE-
SUBDIVISION OF
THE PROPERTY
OF SALVATORE
FAZZINO LO-
CATED ON BAR-
THOLOMEW ROAD
SOUTH OF SHUN-
PIKE ROAD TO BE
KNOWN AS DINA
ESTATES

Atty. Ralph Wilson explained the proposal and its com-
pliance with all departmental comments. P. Parizo ex-
plained the site plan and discussed the entrance, the
buffer area and the storm water detention. Comm. David
Roane questioned the dumpster and signage for one-way

ITEM 4.1
GRANTED SITE
PLAN APPROVAL
TO CONSTRUCT
AN ADDITION TO

traffic. P. Parizo responded. Comm. David Roane questioned the handicapped parking spaces and their location. Marco DiMauro responded. C. Julilano indicated why the handicapped spaces were moved. Comm. David Roane questioned the buffer and the neighbor to the north. Marco DiMauro responded. Albert Cyr of Portland Landscaping explained the proposed buffer and the plants that were selected. Comm. William Holley questioned the buffer regulations. William Warner responded. Chm. W. Lee Osborne indicated that the site is very tight and there needs to be changes to the regulations. He feels buffers should go in first to buffer the construction site. Comm. Barbara Plum questioned vehicular cross easements. Chm. W. Lee Osborne responded. Discussion ensued. Dir. P.W. Salvatore Fazzino questioned a trade off for taking the easements. Atty. Ralph Wilson responded to the easements and the legal issues. He agreed to the easements and feels it is wise to allow for the possibility. Comm. David Roane questioned a traffic study. William Warner responded. The Commission tabled discussion until after Item #2.

AN EXISTING
HAIR AND TAN-
NING SALON LO-
CATED AT 875
NEWFIELD
STREET

John Milardo expressed concern over the proposal. He feels the value has decreased and is concerned over the height of the building, car lights and glare, the dumpster, and traffic on Newfield Street. William Warner questioned if John Milardo would like a fence installed. John Milardo indicated no. Chm. W. Lee Osborne commented on the buffer and the need to have the buffer come first. The Commission returned to Item #4.1

ITEM 2
DISCUSSION WITH
PUBLIC ON ITEMS
ON AGENDA

Comm. David Roane questioned access to the dumpster area. Salvatore Fazzino commented on the type of garbage trucks and the ability to work. Comm. David Roane questioned the width of the lane on the south side. P. Parizo responded that the width is sufficient. Comm. William Holley questioned lighting. The architect responded that there will be recessed lighting and wall packs. Comm. William Holley expressed concern over glare. The architect indicated that the lights will be

ITEM 4.1
CONTINUED

adjusted to eliminate glare. Comm. Corrine Dorsey questioned the night skies ordinance. Chm. W. Lee Osborne feels the lights should be observed prior to the Certificate of Occupancy. Comm. Barbara Plum questioned sidewalks. The architect responded that there will be a front and back doors. Chm. W. Lee Osborne questioned the liquor license. Atty. Ralph Wilson responded. On motion and second by Comms. David Roane and Barbara Plum the Commission granted site plan approval to construct an addition to an existing hair and tanning salon located at 875 Newfield Street with the condition that: 1) the buffer be done first; 2) twenty-four (24) foot cross easements for vehicular traffic from adjacent properties be provided at the southern property line and the northern property line to allow for access to Mile Lane no greater than sixty (60) feet from the rear pin; and 3) one handicapped space be moved to the front of the existing building. Vote was unanimous. Applicant/agent Domenico and Marco DiMauro SE93-6

On motion and second by Comms. David Roane and Barbara Plum the Commission scheduled a public hearing date of April 28, 1999 for a proposed 16 lot resubdivision of the property of Patricia Scully located at 346 Congdon Street in the vicinity of Cynthia Lane off of Congdon Street East. Vote was unanimous. Applicant/agent Daybreak Corporation/Dzialo, Pickett & Allen, P.C./Philip F. Karpel, Esq. S99-4

ITEM 4.2
SCHEDULED P.H.
4/28/99 PROPOSED
16 LOT RESUB-
DIVISION OF THE
PROPERTY OF
PATRICIA SCULLY
LOCATED AT 346
CONGDON STREET
IN THE VICINITY
OF CYNTHIA LANE
OFF OF CONGDON
STREET EAST

On motion and second by Comms. David Roane and Barbara Plum the Commission scheduled a public hearing date of April 28, 1999 for a proposed Zoning Map amendment to rezone the former Kogel Lumber property on Berlin Street from RPZ Residential Pre Zoning to the PSUZ Public Service Utility zone. Vote was unanimous. Applicant/agent City of Middletown Water & Sewer Department/Guy P. Russo, Director

ITEM 4.3
SCHEDULED P.H.
4/28/99 PROPOSED
ZONING MAP
AMENDMENT TO
REZONE THE
FORMER KOGEL
LUMBER PRO-

Z99-4

PERTY ON BERLIN
STREET FROM RPZ
TO THE PSUZ
ZONE

Dan Carter of Conklin & Soroka explained the proposal to eliminate two non-conforming lots. Comm. William Holley questioned zoning. William Warner responded. Dan Carter commented. On motion and second by Comms. David Roane and James Fortuna the Commission approved a lot line revision of the estate of Robert Palmer located at 173-175 South Main Street. Vote was unanimous. Applicant/agent Roger Palmer/Daniel Carter, Conklin & Soroka, Inc. L99-1

ITEM 4.4
APPROVED A LOT
LINE REVISION OF
THE ESTATE OF
ROBERT PALMER
LOCATED AT 173-
175 SOUTH MAIN
STREET

Linda Smigel explained the proposal for the accessory use, went through the proposal submitted and feels the use is commonly associated. William Warner commented. Comm. David Roane questioned parking. Linda Smigel responded. Comm. William Holley questioned Sections 60 and 61 Accessory Uses. William Warner responded. Salvatore Fazzino commented on the history of the neighborhood. The layout of the ice cream shop was discussed. Discussion ensued. Chm. W. Lee Osborne questioned the wisdom of rezoning. William Warner responded. A motion to approve a request for an accessory use approval to allow an ice cream shop at Hillside Laundry located at 460 East Main Street was made by Comm. David Roane and seconded by Barbara Plum. Comm. David spoke against the proposal and feels rezoning would be better. The motion failed with Chm. W. Lee Osborne, Comm. William Holley and Comm. Barbara Plum opposed and Comms. Corrine Dorsey, James Fortuna and David Roane in favor. Chm. W. Lee Osborne feels the City should investigate TD Transitional Development rezoning. Applicant/agent Maromas Partners, LL DBA/Hillside Laundry/Linda Smigel, owner NC93-1

ITEM 4.5
DENIED A RE-
QUEST FOR AN
ACCESSORY USE
APPROVAL TO
ALLOW AN ICE
CREAM SHOP AT
HILLSIDE LAUN-
DRY LOCATED AT
460 EAST MAIN
STREET

There is a tape recording of the public hearing available in the Planning, Conservation and Development office.

ITEM 5
P.H. TAPE
RECORDING

Gerald Renner explained the proposal to use the Moose Lodge as a church. He indicated that forty percent of the parish live in Middletown. Gerald Renner noted that the move will allow an expansion of the congregation up to fifty percent. No alcohol will be served, there will be a small sign and an apartment for the minister and there are no intentions for a commercial kitchen. He indicated this had been discussed with the Health Department and the Fire Marshal. Comm. David Roane questioned the signage and dining. Gerald Renner responded. K. Magee, the pastor of the church, commented on dining and the parish home. Comm. Corrine Dorsey questioned the nursery. Gerald Renner indicated that this would not be a daycare. Chm. W. Lee Osborne indicated that an architect is required for major renovations. From the public, J. Peret, a neighbor, questioned the apartment, the deck and the size of the congregation. Gerald Renner responded that the congregation consists of 90-110 people. Chm. W. Lee Osborne questioned activity at the site. Gerald Renner indicated that there will be services on Sundays, Mondays, Wednesdays and occasionally on Saturdays. Discussion ensued on the number of people attending the services. J. Perret questioned the fence on the site and why it was removed. Gerald Renner responded that the fence would be reinstalled and concluded. K. Magee commented on the size of the Moose Club. Comm. William Holley questioned the storm water and sanitary sewers, the buffers and the bathrooms. On motion and second by Comms. David Roane and Barbara Plum the Commission closed the public hearing. Vote was unanimous. A motion to grant a Special Exception to convert the former Moose Club property at 999 Randolph Road to a new use for church worship services and an apartment for the minister with the condition that a buffer of hedges and a six (6) foot fence be included along the front parking area was made by Comm. David Roane and seconded by Comm. Barbara Plum. Comm. David Roane spoke in support. The motion passed unanimously. Applicant/agent Bethlehem Church/Gerald F. Renner SE99-2

ITEM 5.1
GRANTED AN
SPECIAL EXCEP-
TION TO CON-
VERT THE FOR-
MER MOOSE
CLUB PROPERTY
AT 999 RANDOLPH
ROAD TO A NEW
USE FOR CHURCH
WORSHIP SER-
VICES AND AN
APARTMENT FOR
THE MINISTER

Wayne Bell presented his report. Chm. W. Lee Osborne questioned Pizza King. Wayne Bell responded. Chm. W.

ITEM 2a
ZEO REPORT

Lee Osborne commented at length. Wayne Bell responded. Lengthy discussion ensued on Pizza King.

On motion and second by Comms. David Roane and Barbara Plum the Commission approved the minutes of the March 24, 1999 meeting. Vote was unanimous.

ITEM 6.1
APPROVED THE
MINUTES OF THE
3/24/99 MEETING

There was no discussion.

ITEM 7
DISCUSSION
WITH PUBLIC

Adjournment was at 10:20 P.M.

ITEM 8
ADJOURNMENT

Respectfully submitted,

William Warner
Director of Planning, Conservation & Development