

CHM Stephen T Gionfriddo, V-Chm Cos Giuffrida, Sec'y Louis A Carta, Rose Sbalcio, Alternates: Stephen Gadomski and Thomas E Hutton, Jr., and Director of P.W. Salvatore Fazzino, Ex-Officio. COMMISSION MEMBERS PRESENT

Mayor Sebastian J Garafalo, Ex-Officio, Steven J Leinwand, Paul P Parisi, Sebastian J Passanesi, Paul H Bixby and Thomas J Serra. MEMBERS ABSENT

Commissioner Gadomski acted for Commissioner Leinwand who was absent. Commissioner Hutton acted for Commissioner Passanesi who was also absent. ACTING MEMBERS

Director George A Reif, Hope Kasper and Patricia Michnowicz STAFF

Lucas Held, reporter for the Middletown Press, Rich Webster, reporter for WCNX Radio Station and approximately 40 members of the audience. OTHERS

CHM GIONFRIDDO
We'll go on to the Public Hearing and I'll ask the Secretary to read the call.

SEC'Y CARTA
LEGAL NOTICE, MIDDLETOWN, CONNECTICUT:
THE MIDDLETOWN PLANNING AND ZONING COMMISSION WILL HOLD A PUBLIC HEARING APRIL 25, 1984, 7:00 PM, IN THE COUNCIL CHAMBER, MUNICIPAL BUILDING, DeKOVEN DIRVE, MIDDLETOWN, CONNECTICUT to consider the following:

Item 2.1 Proposed special exception to permit a home occupation to allow lawnmower repair located at 681 East Main Street in an R-1 zone. Applicant Emanuel A Sbona PROPOSED SE HOME OCCUPATION, E MAIN ST., E SBONA HO - 160

CHM GIONFRIDDO
Okay, for those of you who are familiar with the way we operate this will probably seem old hat. For those of you who aren't, first the proponent will have an opportunity to come up and make his presentation and answer any questions from the Commission. Subsequent thereto, anybody who wishes to speak in favor of the proposal will be given an opportunity and then anyone wishing to speak in opposition. So, we're looking for Mr. Sbona. Would you identify yourself, your name and address for the record please.

EMANUEL SBONA
Emanuel Sbona, 681 East Main Street, Middletown.

CHM GIONFRIDDO
Why don't you briefly summarize for the Commission what you're looking to do.

EMANUEL SBONA

Well, I want to operate a small engine repair from my home. It's going to be during the day. There's going to be no people coming over because I have free pick up and delivery, so there won't be any traffic, no commercial vehicles coming by or anything like that, no signs, and basically that's it.

CHM GIONFRIDDO

Is this going to be done inside your home, in your basement or in the garage or where?

MR SBONA

Mostly in the garage but some in the basement, you know, at night if I just want to work on an engine or do little things. And I'm getting another garage soon and I'll work out of there also.

CHM GIONFRIDDO

Another garage where?

MR SBONA

Well not a garage, a shed, just a little shed you buy at Sears.

CHM GIONFRIDDO

Do any Commissioners have any questions? George, do you have any comments?

DIR REIF

Is your garage attached to your house?

MR SBONA

Yes, I think so, yes.

CHM GIONFRIDDO

Yes, I was going to say either it is attached or it's not attached.

MR SBONA

Yes, it is.

MR REIF

The last time you saw it, it was attached.

COMM CARTA

A breezeway or some kind of a roof or something?

MR SBONA

No, not really. It's a weird setup. The wall is like about four feet from the house. You know what I mean? In a way it is together and it isn't. It's hard to ...

COMM CARTA

It doesn't have to abut up against it. Does it have some kind of an overhead roof, does it have a breezeway ...

MR SBONA

No, I guess you can call it, it's just attached.

CHM GIONFRIDDO
It's not attached. Well ...

MR SBONA
It's attached.

DIR REIF
It has a common roof?

MR SBONA
Yes.

CHM GIONFRIDDO
Yes, I think it's a little confusing. Perhaps this may be something we'd have to go out and take a ... George, you haven't seen the property have you?

COMM CARTA
Maybe he can just explain it so we can understand it.

MR SBONA
The garage is attached. If you're looking at it straight ahead it looks like it's just one big house. There's no, it doesn't even look like a garage there. You know what I'm saying. The garage is just right attached to it.

COMM CARTA
So the house wall and the garage wall are the same wall?

MR SBONA
Yes. Yes it is.

CHM GIONFRIDDO
That wouldn't be the case with your shed though. I mean, you're talking about buying a Sears shed. That wouldn't be attached, right?

MR SBONA
No. I got two hundred or so feet in the back and I want to place it back there. Then I'll work out of there mostly. That will be in a couple of weeks.

CHM GIONFRIDDO
George, question. I assume it must be required then that this be attached to the house?

DIR REIF
It's supposed to be in the house, yes.

CHM GIONFRIDDO
So then he wouldn't be able to work out of a Sears shed.

DIR REIF
Right. I don't see anything about a Sears shed here.

CHM GIONFRIDDO

Well just for your knowledge now, don't bother buying any Sears sheds.

MR SBONA

Oh, alright.

CHM GIONFRIDDO

Are there any other questions from any Commissioners? If not, thank you. We'll allow the public to speak if they're interested. Is there any member of the public wishing to speak in favor of this proposal? Is there any member of the public who wishes to speak in opposition? Thank you.

SEC'Y CARTA

Item 2.2 Proposed special exception to permit a home occupation to allow television repair located at 1195 South Main Street in an R-1 zone. Applicant/agent Whitney A Withey/Attorney William Howard

PROPOSED SE
HOME OCCUPATION
SOUTH MAIN ST
WHITNEY WITHEY
HO - 161

CHM GIONFRIDDO

Just for the record's purposes, I didn't do this before. The legal notices appeared in the Middletown Press twice; on April 13th and April 20th, 1984.

ATTY HOWARD

Mr. Chairman, members of the Commission. This is an application on the behalf of Mr. Whitney Withey, otherwise known as Yogi Withey, for a home occupation permit with respect to a T.V. repair business. His property is located at 1195 South Main Street. I don't know if you have it. I believe we left off for the Commissioner additional plot maps. George, do you know if ...

DIR REIF

That was part of their package tonight.

ATTY HOWARD

Okay, very good. Appendant to the plot map also is an area sketch which is really an abstract from the tax map. You see there that the property is, as I say, located at 1195 South Main Street, and that appears near an apex point at the intersection of South Main Street and Brown Street. In the area is, across the street from Stonegate, just up the street from professional office buildings where a doctor's practice is held. A little bit further down is the Cypress and even a little bit further down is the Monte Green Restaurant. Now, it is Mr. Withey's desire to, as I say, to conduct a T.V. repair business there. On the map the location is shown in the garage. It's a mapped out area which he would intend to partition. Other than a sign, which will qualify under the Zoning regulations, there will be no other external evidence of the location of the business. It is to be operated solely by him with no employees. In terms of the equipment he would use, his test equipment is either battery operated or it's low power. There would be no equipment which would generate signals or any sort of transmissions.

ATTY HOWARD (continued)

So there's no possibility or probability of radio or t.v. interference. It's mainly a clientele business in the sense that there are people who know of Mr. Withey's abilities. And more often than not, he leaves the premises to pick up the sets needing repair and ordinarily there wouldn't be more than one person coming in now and then with a set which needs repair. The only supplies on the premises would be ordinary parts used in the repair of the television. There will be no retail sales other than the parts put into the sets. Just by way of a background factor on the site is that Mr. Withey bought this site recently in a rather sorry condition. Indeed, it was unoccupied. He has put a rather substantial effort on cleaning the site up and repairing it and hopefully getting it ready for this operation. The present drive, as I understand it, runs behind the house. The driveway you see on the map is a proposed drive to give a more direct access and at least leave a little room for parking. I might add that there will be no commercial vehicles parked on the premises because Mr. Withey uses a station wagon he has for pick up and delivery of the sets and so as a consequence, as I say, there will be no commercial vehicle there. Are there any questions we can answer?

CHM GIONFRIDDO

I have one to start with. That is, I just asked the question of George at our last public hearing concerning the requirement that the home occupation be at least attached to the principle dwelling and I got the impression from George that that was a requirement. And it seems clear here that from what you're showing us, the occupation is going to be taking place in a garage that is in no way attached.

ATTY HOWARD

It's Mr. Withey's intention to add to the residential building, or at least build a breezeway from the residential building to the garage.

CHM GIONFRIDDO

That's an awfully large breezeway, isn't it?

ATTY HOWARD

Yes, well he's going to, as I say, he informs me he intends to add to the building and build a breezeway. But the difficulty is, he's got to make some money. And in terms of ... (Inaudible. Too fast.) ... Unless I have an incorrect copy, I don't know if it says so much that it has to be attached as so much as it's conducted ...

CHM GIONFRIDDO

I think it says ...

ATTY HOWARD

Just looking at 44.08.31, "...There shall not be a separate entrance from outside the buildings...."

CHM GIONFRIDDO

Bill, I'm looking at Section 16.08.02, okay?

ATTY HOWARD

I don't know if I have that one with me.

CHM GIONFRIDDO

It's entitled "HOME OCCUPATION". It says, "A business, trade or profession conducted entirely within a single dwelling unit, by a member or members of the household. The use is incidental to the residential use of the dwelling." It says, "conducted entirely within a single dwelling unit" It doesn't seem like conducting it in a garage that's not attached to the dwelling unit would be within the single dwelling unit. How do you respond to that?

ATTY HOWARD

Well, it seems to me the question is what burden you're putting on the site. It seems to me to be a large technicality to say that if you string even a breezeway between the garage and the particular dwelling unit that somehow that satisfies it in a metaphysical sense. The question is whether or not within what is in fact a dwelling unit, that is to say the dwelling and the garage facility, there's a business conducted at a particular spot. It seems to me that would satisfy the regulation. It's just a matter of happenstance that in some circumstances the garage is separate from the building and in others it's put in the basement.

CHM GIONFRIDDO

Well I guess my question would be, if we allowed it to be in a garage that's not connected, where do we draw the line? Do we allow them to put up butler buildings and sheds and whatever they want to put up that aren't connected to the building? It seems like you're opening the door if we don't follow the strict wording.

ATTY HOWARD

Well let's look at it this way, suppose there is an addition and there is a breezeway connecting the garage to the building, then does that make it a dwelling unit, therefore justifying the business? Or on the other hand, suppose we put it in the basement of the dwelling unit?

CHM GIONFRIDDO

Well certainly if it's in the basement of the dwelling unit, I think you'd meet the criteria.

ATTY HOWARD

Yes, we can do that. It's just better to conduct it in the garage. It makes more sense.

CHM GIONFRIDDO

Commissioner Sbalcio.

COMM SBALCIO

I'd like to ask a question of George. Do you remember the case on Bartholomew Road, the young man who wanted to do something to engines? Was that in his barn? Was that barn separated from the house or what? I don't remember.

DIR REIF

First of all, I think your fellow members of the Planning Commission can remember that more clearly than I because they voted on that. I think ... (Inaudible. Away from Microphone) ... whether or not this is or is not a proper place for the home occupation other than the fact that it may not be attached to the house ... (Inaudible) ...

CHM GIONFRIDDO

I'll be honest enough to say that that probably was another building now that I remember it but tonight I would be honest to say was the first time I realized it was an absolute requirement in our code, or it seems to be a requirement of the code that the dwellings be actually, be a part of an attached unit. That's why I asked you the question before. If I knew the answer I wouldn't have asked the question. Are there any other questions of the applicant? Commissioner Carta.

COMM CARTA

I have a question of George. Do you see any other, I mean more readily having had a chance to look at the application and look at the site plan and so on, do you see any other items that you think conflict? I'm looking at the site plan here for the first time.

DIR REIF

You certainly want to step back and take a look and see whether you as a Commissioner have this type of activity in your minds as a, well whether or not it fits what you have in mind or not, the concept of a home occupation.

COMM CARTA

We've always stayed away from the retail trade coming in.

DIR REIF

(Inaudible)

COMM CARTA

That's something we've stayed away from so that we could protect the residential quality of the neighborhood. We've allowed people to have pretty much all kinds of uses inside their home if they didn't hire people and have people coming and leaving the house. So that for me is a real problem.

ATTY HOWARD

I'd like to say that it's not retail trade in the sense that we've emphasized it. We're not selling, proposing to sell anything, and in a sense it's not different from the, in fact it's a lot neater and cleaner than the motor repair you refer to on Bartholomew Road.

DIR REIF

Retail service would probably ...

COMM CARTA

Yes, retail service.

CHM GIONFRIDDO

Okay, let's restrict ourselves to questions. Are there any? Commissioner Gadomski.

COMM GADOMSKI

I'm familiar with your business as it existed in Middlefield and at that time you were buying and selling used tv's and things like that. You've decided to get out of that aspect of re-building and just repair tv's now?

MR WITHEY

Yes, I believe there's more money in repairing.

COMM GADOMSKI

Okay. I also recall the ad that you were running in the Middletown Briefs several weeks back that indicated Yogi's TV Sales and Service was moving to wherever it was moving. Now why would you be talking about sales and service if you're only going to service?

MR WITHEY

Well, I'm changing it to just service sir. And for the simple reason that I had to move out from Middlefield because I had such a hassle over there with the landlord and it was just getting so much that I couldn't take it anymore. There was no heat, the sewer was leaking in the back and I had constant harassment.

COMM GADOMSKI

I understand your problem.

MR WITHEY

Bill knows; You know what I mean? And one way or the other I had to get out of there.

CHM GIONFRIDDO

I have a question. In Monday's paper, the paper that just came out two days ago, you had an ad; "Yogi's TV, 1195 South Main Street, has a large selection of colored and black and white tv sets for sale with full 90 day guarantee on entire set."
(See Public Hearing Exhibit, File # HO - 161)

MR WITHEY

That's correct.

CHM GIONFRIDDO

So, even as late as two days ago you were still in the sales business.

MR WITHEY

Just repairs. I don't have the clientele out there. I haven't had much repair coming in. I had to make a living. I had to recondition some sets and put them up for sale.

CHM GIONFRIDDO

What guarantee do we have that if your repair business is slow four months from now that you're not going to get back into the re-having of tv's and selling them again?

MR WITHEY

Well, it seems from the former experience over in Middlefield, the repair business was so good that I didn't have no time to put anything together of my own.

MR WITHEY (continued)

But since I moved out of there now things are going down. I've spent quite a bit of money building that garage and I'm going to put an addition on the house and the breezeway between the addition and the garage to sort of make it more secure also. You know, Long Lane is just up the hill from there and I also had my car stolen from me a couple of weeks ago. That really put me down in the hole there but luckily the Police Department found it in Stamford in one piece. Thank God for that. The idea is you've got to make a living.

CHM GIONFRIDDO

You have to understand what our concern is. I understand that you have to make a living but we're talking about your business and expanding the breezeway and first you have to make some money. You have to realize that maybe a concern of ours is that five months from now if you're not making a living, the temptation is going to be awfully great on your part to get back into sales again. You're telling us now you don't intend to but you don't know what the future is going to bring. You may end up finding yourself forced into it again.

MR WITHEY

That may be true sir. But most of my customers and friends are asking where I went to and where I went from Middlefield. And many are tracking me down little by little but nobody looks for a tv man until they need one. You know what I mean?

CHM GIONFRIDDO

What about the traffic? How many cars do you envision?

MR WITHEY

One. Pardon me sir?

CHM GIONFRIDDO

Do you envision people dropping sets off to you and picking them up or is yours a business ...

MR WITHEY

Oh, I beg your pardon. I get about eighty or ninety percent of them myself sir and maybe one a day, two a day, that's about it. There's no dumpsters, no garbage cans, no grease, no aggravation, no noise; You cannot concentrate on working on a tv set with any noise - I don't even play the radio as a matter of fact. It's a nice quiet business.

CHM GIONFRIDDO

Are there any other questions?

MR WITHEY

Sir, if you'd like to see the improvements I've made to the property, I've got some pictures here. Would you like them?

CHM GIONFRIDDO

If the Commission would like them. I don't really know that it's relevant to the application.

(Multiple speakers)

CHM GIONFRIDDO

Is there any one else interested in these? What was that George?

DIR REIF

Commissioner Carta asked if there were any other things. The sign here in the application says 6 feet by 2 feet. In the sign regulations ... (Inaudible) ... two square feet.

CHM GIONFRIDDO

Yes, I'm sure that that would have to be complied with if it were to ...

DIR REIF

Correct.

ATTY HOWARD

Mr. Withey has also been in contact with his neighbors out there. There are some people who are opposed but he did obtain on a document these signatures of a number of neighbors who indicate that they have no objections to this request. I would like to submit this to the Commission if I may. (See Public Hearing Exhibit P-1, File HO - 161) I might add, there's one name on there that appears from Meriden. Mr. Withey told me some friend wanted to sign his name and he felt he didn't want to refuse him. So the last name is ...

CHM GIONFRIDDO

Are there any other questions by any members of the Commission? If not, thank you. Are there any members of the public who wish to speak in favor of this proposal?

ALFRED H SMITH

Before I say anything I'd just like to suggest that...

CHM GIONFRIDDO

Would you please give your name and address?

DR SMITH

Dr. Alfred H. Smith, Coleman Road, right around the corner from this establishment. You all have microphones here. We in the back can't hear anything you're saying. Now in the last meeting I noticed that there were several gentlemen who spoke into the microphone. Every time they sat down they'd bring it up to them and we could hear them. I couldn't hear anybody over here at all and we can't hear you people in the back. I think your microphones are working. As far as this repair shop is concerned, it seems to me that before he put all this money and work into it he should have had the application approved. However, he has done a terrific job of cleaning up the place. As you probably can see from your pictures here, it was a dilapidated shack and he's done a wonderful job. Whether he meets your criteria or not I don't know.

CHM GIONFRIDDO

I just have one semi-facetious comment to make and that is that I think they turned off all of the Republican microphones during the budget meeting. Is there anybody else who wishes to speak in favor of this proposal? Is there anyone who wishes to speak in opposition?

CHM GIONFRIDDO (continued)

I wouldn't need a microphone to be heard. I didn't realize it was a problem. I don't think any of the microphones are functioning.

DIR REIF

I think the Republicans were sitting here.

CHM GIONFRIDDO

Speak up.

WALT STOJAK

My name is Walt Stojak, I live at 180 Brown Street. In my back yard I have this big garage where Yogi plans on repairing tv's. Now if they let him get away with it I will have no privacy whatsoever in my back. I have a big pool; I have a deck there and I'm going to have people roaming around in back of me. That's it. I don't want no business in my back yard.

CHM GIONFRIDDO

Is there any buffer between you and him at all, any hedges or planting. Is there anything between you and him? It's wide open?

WALT STOJAK

It's just about wide open, yes.

CHM GIONFRIDDO

Are there any questions? Thank you, Walt. Is there anyone else who wishes to speak in opposition to the proposal?

DWIGHT NORWOOD

I'm Dwight Norwood; I live at 190 Coleman Road. Very frankly, I didn't realize that this item was going to be on the Agenda this evening because I was already under the impression that a business had been established in that location and I was appalled that such a thing had already come to pass. It's a nice residential area. I am sorry to see it fall prey to retail businesses and this is definitely the impression I have received from the series of ads that have already been mentioned, from the way the establishment has been cleared to permit easy access from the driveways. I find the argument that commercial vehicles will not be on the property spurious because if they are gone during those business hours, it still leaves better than a hundred hours a week for that vehicle to be parked there. I think that the argument that the breezeway would be established between the garage which is the primary place of business, it is not attached to the primary dwelling. The establishment of that breezeway has a somewhat tenuous legality to it in order to establish some means of bringing this particular business into the area. If any of you have visited that particular area, you have probably seen that the garage is now the dominant structure on that property. And I would be dismayed to think that the Commission would be swayed by the argument that there had been a preemptive move to establish a business and because that had been done, the gentleman had put a lot of effort into it, that it deserved to be rewarded by receiving an appropriate variance so that the business could be conducted.

MR NORWOOD (continued)

This would be very similar to having a major developer come in on any plot of land, put up an entire apartment complex and then come to you and say, "Gentlemen, I've spent millions of dollars. You really must go along with this."

CHM GIONFRIDDO

I can safely say that the Commission won't base its decision on the fact that work has been done on the premises. Is there anyone else wishing to speak in opposition? If not, I have one letter here that was submitted by William Wamester who is not able to be here. It's two and a half pages and I'll try to make it so that everyone can hear it. (See Public Hearing Exhibit O-1, File # HO - 161)
Is there anyone further that wishes to be heard on this proposal? If not, we'll close the Public Hearing... Wait. Okay.

ATTY HOWARD

As I've indicated, Mr. Withey is not adverse to having, if it is the pleasure of the Commission, this business located within the so-called dwelling. He has also provided me with a sketch plan he has. I can show it to you. It is his intention, once again, if he can make some money, to in fact place a hedge or cedar trees along the rear property line between himself and the Stojak's. And that can be achieved. Thank you.

CHM GIONFRIDDO

Thank you, Bill. If no one further, we'll close the Public Hearing...

ATTY HOWARD

If it's possible, can this be moved to a vote tonight?

CHM GIONFRIDDO

It's not customary unless it's the wishes of the Commission if they have strong feelings on it. I'm willing to put it on if that's the Commission's wish. Does anyone want to make a motion to include it on tonight's Agenda for a vote?

COMM CARTA

Yes, I'll make a motion that it be included on tonight's Agenda for a vote.

COMM GADOMSKI

Second.

CHM GIONFRIDDO

There's a motion and a second. Any discussion? If not, all those in favor of including it as Item 6.6 on the Agenda say aye. Any opposed? (Vote was unanimous) Okay, it will be voted on later in the meeting. Go to Item 3 on the Public Hearing, please.

SEC'Y CARTA

Item 2.3 Proposed additional method of notifying the public NOTIFICATION
of P & Z Commission public hearings by requiring a TO PUBLIC OF
display of one or more signs on any property sched- PUBLIC HEAR-
uled for a hearing. Cost and placement of signs will INGS.
be the responsibility of the applicant. Z84-4

CHM GIONFRIDDO

This is an item that was placed on the public hearing, I guess both as a request of the public and as a request of certain members of the Commission who've brought this up over a period of time. George, before we turn to the public, we have something in our packet. Is this something that you're advocating or suggesting as a proposal?

DIR REIF

Let's call it something to stimulate conversation.

CHM GIONFRIDDO

Why don't I read this.

DIR REIF

Alright. Good idea.

CHM GIONFRIDDO

Why don't I read this before we open it to the public so that perhaps the public might use this as a basis for discussion. This is something submitted by staff to the Commission as a suggestion.

"All applicants that have applied to the Planning and Zoning Commission for any approval for which the Commission has scheduled a public hearing shall assist in notifying the public of the hearing by installing Public Hearing Notice signs at the subject area of the hearing.

One sign shall be installed for each street the site or building faces. The sign or signs shall be installed not less than ten days prior to the day the public hearing is to begin.

Any drawing, site plan or subdivision plan required to be filed as part of an application shall show the proposed location or locations of the Public Hearing notice sign or signs.

The required signs shall be leased from the City Planning Office. In addition to any other required fee a proponent shall pay a user fee of \$25.00 (in the form of a check payable to the City of Middletown) for the use of each sign for a time period of two weeks. A \$50.00 deposit in the form of a money order payable to the City of Middletown shall be filed per sign with the City Planning Office when the proponent takes the sign. The deposit check will be refunded upon the return, of the undamaged sign within two weeks of the date originally leased.

At the beginning of the Public Hearing the proponent shall state for the record that the required Public Hearing sign or signs were installed as herein before required."

George, don't you want to make a requirement that the Planning & Zoning Commission members have to look at this sign before we return the money?

DIR REIF

That will probably be suggested, that you go out and look at the sign on the site.

CHM GIONFRIDDO

I'm talking about when it's returned; Before we return the deposit, make sure there aren't any marks on there.

DIR REIF

We'll take care of that.

CHM GIONFRIDDO

Okay. I guess rather than say, any member of the public wishing to speak pro or con on this subject, since it's really pretty wide open, we don't have a specific proposal in front of us, anyone wishing to speak to this proposal why don't you just come up and introduce yourself and ...

WAYNE REED

My name is Wayne Reed. I live at 1557 Country Club Road in Middletown. George, you did a good job except we were kind of hoping, the Westfield people that is, you would have used some of the information we had submitted, on the material we submitted March 14th. I do have a couple of comments, as you are aware, that we would like to make. The ten days, in your second paragraph, would make the sign going up on a Sunday the week before the P & Z meeting. And who is going to confirm that it went up, first off. You're talking ten days prior to the public hearing. In effect, that ten days is a Sunday, which would mean the person picking the sign up, if you're lucky, would be picking it up maybe on a Friday and having to return it on a Thursday, the day after the public hearing. I think you're cutting the two weeks real close. Would it be acceptable to extend these times on either side?

CHM GIONFRIDDO

Well, rather than ask whether it's acceptable ...

WAYNE REED

I'm just saying these are some of the points that we did have that we would like looked at. In other words, I can see me myself wanting to put the sign up finding myself not able to get here say on a Friday to get it on time. Maybe if I could pick it up earlier than that. If not, I could loose my deposit of the two weeks before the Planning & Zoning.

CHM GIONFRIDDO

I'm only trying to suggest that rather than ask if it would be acceptable I think the Commission would have the authority in approving it to set any time limits they chose so ...

WAYNE REED

Without loosing say the two week limit, there are two places or three places that mention these. I think it's a little bit crowded, but the idea is very good and we are in favor of that part of it. And also it's curious why the money order, would a bank check be sufficient, as long as it's a guaranteed fund. This is very minor.

DIR REIF

I'll be glad to answer all these questions.

MR REED

It says here, paragraph three, "Any drawing, site plan or subdivision plan required to be filed... the proposed location...of the Public Hearing notice..." What could happen, I'm afraid, is the guy walks into your office with the drawings and everything, oh we didn't say where it is. We'll put one here and here and here. Whereas, what we had asked be put in, the signs be clearly visible from the street closest to the affected property. You don't even, you know. You assume they will be. I'd like to see it spelled out a little bit more than assumed. I know what happens when you assume. Also, what if the proponent, in the last paragraph, "At the beginning of the Public Hearing the proponent shall state for the record that the required Public Hearing sign or signs were installed..." What if an opponent comes in and says no sign was up? Now it's a direct conflict. Yes, we would love to have the Planning & Zoning, who according to Mr. Carta does get out to look at each site, we would like to have the Planning & Zoning office confirm the sign is up. And I guess the last question I've got is a very simple one which I think you may have answered. We do not have a definite proposal tonight which I thought we were going to have. Can you, the members of the P & Z, change the wording of this to a formal one without having a second public hearing on it or do we have to go through the whole process again of the public hearing.

CHM GIONFRIDDO

George, I would assume that once we have a public hearing on this subject that we can ammend or change the wording.

DIR REIF

Yes, obviously the legal notice is broad enough. And if you go back and look at it, the legal notice included all the things I have here specifically without mentioning...

CHM GIONFRIDDO

Let's put it this way, I think the way we've done it in the past is if any change we made was so substantive in nature that we felt it required an additional public hearing, we would have one. If we were talking about minor changes, we probably would do it without the benefit of an additional public hearing.

DIR REIF

Shall we start on the list of the questions? You want to hit the questions? Your first question dealt with ten days.

MR REED

Yes.

DIR REIF

The significance of the ten days is that it is associated with the legal requirement in the enabling legislation about public hearing notices. Now, we could say thirty days in advance but that would foul up all the other time frames that are associated with people getting to a public hearing. So we picked ten days.

MR REED

Okay, that wasn't the question. That wasn't the question.

CHM GIONFRIDDO

Wait a minute. I prefer not to have a debate back and forth. You asked a series of questions and George is trying to respond to the questions.

MR REED

Alright, I thought he misinterpreted the question, that's all.

CHM GIONFRIDDO

Alright, if you feel that way when he's done responding then ...

DIR REIF

I think your second question was the two weeks after ...

MR REED

You're giving a total of two weeks.

DIR REIF

We're giving the opportunity to bring the sign back after it's been used.

MR REED

The day after.

DIR REIF

No, not the day after.

CHM GIONFRIDDO

George ...

MR REED

Okay, that's what I was looking at ...

DIR REIF

We're giving the person a time period to bring...

CHM GIONFRIDDO

I appreciate you two having a conversation, but could you just respond to the questions and not ...

DIR REIF

There will be a time period during which they have to bring the sign back. Okay, your next question dealt with ...

MR REED

We know the P & Z loves to get out there and look at the land with an officer's check to confirm the sign really is up.

DIR REIF

The answer to that is that is obviously one of the most difficult features. And the reason I've suggested that the proponent get on record immediately at a public hearing by saying he has done what he's supposed to, everybody that gets up, as we well know, will say that sign wasn't there. And there's no way to really prove it. I was going to say let's take a picture of it or something like that but that's ridiculous. You put the sign up, the guy takes a picture and takes the sign down. That is the answer.

CHM GIONFRIDDO

George, I think there's a very easy solution to that one. If the gentleman puts the sign up on a given day, whoever, someone should go out there from the City and confirm that the sign is there. That's one question that we had as a Commission is that we expected the sign to be up but that we didn't expect the developer had to go back onto the site and replace vandalized signs every time they were knocked down. As far as I am concerned anyway, if someone from the City confirmed that the sign was put up at the required time, that would be all I would expect. If the developer's sign was knocked down or taken down the next day, I don't think that we can expect him to go back to the property everyday for ten days and confirm that the sign was there. I think he would meet the requirement if he placed the sign at the time he was supposed to place the sign.

DIR REIF

Okay, may I answer the one about showing where the sign is going to be on a drawing rather than have a requirement. I and most people who work in this field work with drawings. There's a better chance of locating a sign in a proper location so you can see it from the street if you have it on a drawing than if you just have some sentence saying it's got to be visible from the street. So I take my chances with having it marked on the drawing.

MR REED

Then the only one that didn't really seem to be answered, what I was saying the ten days. Yes, I know everything has got to be based on the ten days. It's just that if they can pick up the sign, if they choose to, as much as three weeks in advance because it happens to be a good day for them to get into the town, and as much as a week after the public hearing to get it back so that they don't lose the deposit. Let's give them a little more flexibility in getting the sign on time and getting it back with a little bit of spare time.

CHM GIONFRIDDO

The actual wording of the item that we're talking about is, "The sign...shall be installed not less than ten days...."

MR REED

Right.

CHM GIONFRIDDO

So if they want to install it a month in advance or three weeks in advance, that's not prohibited. It just says it has to be installed at least ten days.

MR REED

Yes, but look at the last part of paragraph four. "The deposit check will be refunded upon the return, of the undamaged sign within two weeks of the date originally leased."

CHM GIONFRIDDO

Alright, I see what you're talking about. You're talking about the actual return of the sign, not the placing of the sign.

MR REED

Yes. In other words, the person may want to have the sign for a full month to meet all of the requirements. That's all I'm saying.

DIR REIF

We've got a short period of time ...

MR REED

You're demanding that he is held to two weeks.

CHM GIONFRIDDO

In other words, if he wants to place the sign on the property for thirty days...

DIR REIF

Or we could have a thirty day period. There's got to be some guarantee that they're going to bring the sign back or, as Mr. Carter knows, somebody will steel the sign.

MR REED

There are a lot of sign collectors.

CHM GIONFRIDDO

George, what it basically should say is that the deposit check will be refunded on the return of the undamaged sign within two weeks after the public hearing. That would take care of the problem.

MR REED

That would be gorgeous. Okay, thank you.

CHM GIONFRIDDO

Thank you. Is there anyone else who wishes to speak on this issue?

WALTER DREAHER

Walter DreaHER, 67 Sunnyslope Drive. This has been a long battle before Planning & Zoning. Although this is a secondary choice for us, we're going to get at least half a loaf of bread, and I'm pleased to hear some of the things that George came out with. I think that we're going in the right direction and I want to thank George and his staff for bringing this forward as far as it's gone because we waited many years to get this far. Thank you.

CHM GIONFRIDDO

George, I would make one suggestion. I'm sure we're not going to vote on this this evening. Perhaps you would look at, or check with somebody as to the cost of making up a sign like this because if a sign of this nature is damaged, a forfeiting of fifty dollars I don't think is going to pay for the making of a new one. I think signs of this nature and probably the size we're talking about with the hand painting on them would probably be substantially more expensive than what you're ...

DIR REIF

We carefully didn't get into specifications for the sign. We'll work on that.

CHM GIONFRIDDO

Well, I'm just saying if it's something we're considering we ought to at least require the deposit to cover the cost of replacing the sign if something should happen to it. So is there anyone else who wishes to speak on this proposal, pro or con? If not, we'll close the Public Hearing.

ADJOURNMENT 8:40 PM

ADJOURNMENT

Respectfully, submitted,

Patricia Michnowicz

Patricia Michnowicz, Transcribing Secretary

Stephen T. Gionfriddo, Chairman
Planning & Zoning Commission

Received at the meeting of _____