

PLANNING AND ZONING COMMISSION REGULAR MEETING APRIL 28, 1999,  
7:00 P.M. PAGE 1 OF 7

Chm. W. Lee Osborne, Comm. Carl Bolz, Comm. David Roane, Comm. Corrine Dorsey, Comm. James Fortuna, Comm. Barbara Plum, Comm. Victor Liburdi, Mayor Dominique Thornton, Ex-Officio

COMMISSION  
MEMBERS  
PRESENT

Comm. Anthony Vasiliou, Comm. William Holley III, Comm. Carl Chisem, Dir. P.W. Salvatore Fazzino, Ex-Officio

COMMISSION  
MEMBERS  
ABSENT

William Warner, Director of Planning, Wayne T. Bell, Zoning Enforcement Officer, Thomas Nigosanti, Chief Engineer

STAFF

There were approximately twenty-five members of the public.

PUBLIC

There was no discussion.

ITEM 2  
DISCUSSION WITH  
PUBLIC ON ITEMS  
ON AGENDA

The Zoning Enforcement Officer gave his report.

ITEM 2a  
ZEO REPORT

William Warner explained the departmental comments. Comm. David Roane questioned the work to be done. Tom Nigosanti, Chief Engineer, responded. On motion and second by Comms. David Roane and Barbara Plum the Commission approved a request for reduction of the cash bond for the Jean Gullitti Subdivision located off Arbutus Street. Vote was unanimous. Applicant/agent Gullitti Builders, Inc. S92-16

ITEM 3.1  
APPROVED A RE-  
QUEST FOR RE-  
DUCTION OF THE  
CASH BOND FOR  
THE JEAN  
GULLITTI SUB-  
DIVISION LO-  
CATED OFF  
ARBUTUS STREET

William Warner commented. On motion and second by Comms. Carl Bolz and David Roane the Commission tabled a request for an one year extension of the preliminary approval for the Joseph Mazzotta Subdivision located on Alsace Terrace. Vote was unanimous. Applicant/agent Atty. Michael F. Dowley S94-2

ITEM 3.2  
TABLED A RE-  
QUEST FOR AN  
ONE YEAR EX-  
TENSION OF THE  
PRELIMINARY  
APPROVAL FOR  
THE JOSEPH

MAZZOTTA SUB-  
DIVISION LO-  
CATED ON  
ALSACE TERRACE

On motion and second by Comms. Carl Bolz and Corrine Dorsey the Commission scheduled a public hearing date of May 12, 1999 for a proposed Special Exception to convert an existing youth emergency shelter to an infant/preschool childcare center and to add an outdoor playground at the YMCA located at 99 Union Street. Vote was unanimous. Applicant/agent YMCA OF Northern Middlesex County/Francis J. Sumpter SE99-3

ITEM 4.1  
SCHEDULED P.H.  
5/12/99 PROPOSED  
SPECIAL EXCEP-  
TION TO CONVERT  
AN EXISTING  
YOUTH EMER-  
GENCY SHELTER  
TO AN INFANT/  
PRESCHOOL  
CHILDCARE CEN-  
TER AND TO ADD  
AN OUTDOOR  
PLAYGROUND AT  
THE YMCA LO-  
CATED AT 99  
UNION STREET

On motion and second by Comms. Carl Bolz and Corrine Dorsey the Commission scheduled a public hearing date of May 12, 1999 for a proposed two (2) lot resubdivision of a piece of property located at the corner of Elizabeth Lane and Chamberlain Road in the Lee Farms Estates Subdivision. Vote was unanimous. Applicant/agent C&C Lee Farms, Inc./ Alan Bongiovanni S99-5

ITEM 4.2  
SCHEDULED P.H.  
5/12/99 PROPOSED  
TWO LOT RESUB-  
DIVISION OF A  
PIECE OF PRO-  
PERTY LOCATED  
AT THE CORNER  
OF ELIZABETH  
LANE AND CHAM-  
BERLAIN ROAD  
IN THE LEE FARMS  
ESTATES SUB-  
DIVISION

On motion and second by Comms. Carl Bolz and Corrine Dorsey the Commission scheduled a public hearing date of May 12, 1999 for a proposed seven (7) lot resubdivision of Lots #2 and #3, Cranberry Lane. Vote was unanimous. Applicant/agent Trican

ITEM 4.3  
SCHEDULED P.H.  
5/12/99 PROPOSED  
SEVEN LOT RE-  
SUBDIVISION OF

Realty, LLC/Alan Bongiovanni S99-6

LOTS #2 AND #3  
CRANBERRY  
LANE

On motion and second by Comms. Carl Bolz and Barbara Plum the Commission scheduled a public hearing date of May 12, 1999 for a proposed Zoning Map amendment to rezone properties located at the intersection of East Main Street and Hillside Avenue from RPZ Residential to TD Transitional Development. Vote was unanimous. Applicant/agent Peter and Linda Smigel Z99-5

ITEM 4.4  
SCHEDULED P.H.  
5/12/99 PROPOSED  
ZONING MAP  
AMENDMENT TO  
REZONE PRO-  
PERTIES LOCATED  
AT THE INTER-  
SECTION OF EAST  
MAIN STREET AND  
HILLSIDE AVENUE  
FROM RPZ RE-  
SIDENTIAL TO TD  
TRANSITIONAL  
DEVELOPMENT

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

ITEM 5  
P.H. TAPE  
RECORDING

Atty. Philip Karpel and Pat Benjamin, the engineer, explained the proposal. Chm.W. Lee Osborne indicated he has worked with the engineer in the past but has no conflict. Atty. Karpel proceeded to explain the proposal and indicated that one lot would be eliminated, making it only a fifteen lot resubdivision. He explained work with staff and the history of the process. Atty. Karpel requested a waiver of the cul-de-sac, indicated that the notices were mailed to all abutters and that the permit from the Inland Wetlands Agency was secured. He expanded on the need and reasons to grant the cul-de-sac waiver. Pat Benjamin explained the site plan and the engineering aspects of the development, the storm water, the lot sizes, and the road characteristics. The detention pond will be built first. Atty. Karpel commented on the extension of Congdon Street on the existing right-of-way and why it is physically impossible. He continued on storm water and zero increase in runoff. Atty. Karpel requested a continuation of the public hearing to:

ITEM 5.1  
CONTINUED P.H.  
PROPOSED 16  
LOT RESUB-  
DIVISION OF THE  
PROPERTY OF  
PATRICIA K.  
SCULLY LOCATED  
AT 346 CONGDON  
STREET IN THE  
VICINITY OF  
CYNTHIA LANE  
OFF OF CONGDON  
STREET

1) address the need for the waiver and the ability to redesign so as not to need the waiver; 2) address open space; and 3) address bonds, inspections and the cost of inspections. Comm. David Roane questioned who Atty. Karpel is representing. Atty. Karpel responded Daybreak Corp. Comm. Carl Bolz questioned Lots #14 and #15 and why Congdon Street can't be extended. Discussion ensued on the status of the road right-of-way. Comm. Carl Bolz questioned Tom Nigosanti on the cul-de-sac. Tom Nigosanti commented on cul-de-sacs and Congdon Street. Comm. David Roane questioned the twenty inch water main and the cul-de-sac waiver. Pat Benjamin and Atty. Philip Karpel responded. Comm. David Roane questioned Guy Russo on the twenty inch water main. Guy Russo, Director of the Water and Sewer Department, commented on the water main and water crossing. From the public, J. Shainess, representing Quail Run Condo Association, read concerns from a letter to Tom Nigosanti dated April 21, 1999 into the record. He submitted pictures of the drainage pipe in the Quail Run Subdivision. Chm. W. Lee Osborne commented on storm water and changes in velocity. Josephine LoGuidice expressed concern of water on her Cynthia Lane property. There is water in her yard and in her basement. She has a sump pump but she still has water in her basement and cracks in the foundation. B. McCallm, a property owner at Quail Run, expressed concerns over drainage, construction, noise and clearing the land. Jon Beatty expressed concerns over: 1) power outages. He feels the road should go all the way through to service the lines; 2) storm water drainage problems. The Association has spent in excess of over \$100,000 to fix problems in the last ten years; and 3) increase in flow into a pipe on their property. Jon Beatty requested an independent engineer to review calculations at the pipe outlet and maintenance of the detention pond. Comm. Victor Liburdi questioned previous water problems. Jon Beatty and B. McCall responded. Atty. Philip Karpel and Pat Benjamin responded and acknowledged the existing drainage problems but development will not make it worse. The current drainage system is inadequate. Pat Benjamin explained the drainage issue at Quail Run. Atty. Karpel agreed

to replace the pipe if needed and to provide for a buffer and conservation easement thirty foot wide to prevent clearing between the houses and the condos. On motion and second by Comms. Carl Bolz and Corrine Dorsey the Commission continued the public hearing on 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

Guy Russo, Director of the Water and Sewer Department, explained the proposal for rezoning and their cooperation with all city agencies and the need to provide an adequate facility for its employees. He explained the possible uses for the Park and Recreation Department and feels the the facility will be a good neighbor to residents of the area. Mayor Domenique Thornton expressed full support for the rezoning and consolidation of facilities and the concept to use other land for Park and Recreation uses. John Guiliano, Chairman of the Water Pollution Control Agency, expressed desire to merge the facilities and the need for the rezoning. He stated that the WPCA supports the proposal as does the Water and Sewer Department employees. Guy Russo introduced the Park and Recreation Commission Chairman and the Director. Comm. David Roane questioned Guy Russo's discussion with the abutters. Guy Russo responded by explaining the neighbors he spoke with. Comm. David Roane questioned Columbus Avenue. Wes Downing, the Director of the Park and Recreation Department, and C. DeRosier, Chairman of the Park and Recreation Commission, commented on possible uses and expressed support and desirability of providing open areas for parks. Comm. Carl Bolz questioned access and parking issues. Wes Downing responded. Comm. David Roane questioned sidewalks on Columbus Avenue. John Guiliano indicated yes. Atty. D. Farber, representing Mr. Milardo from Berlin Street, is opposed to recreation uses and questioned the type of recreation, parking, lighting, etc. Chm. W. Lee Osborne indicated Level 4 Site Plan Review is required and must

ITEM 5.2  
ADOPTED A  
ZONING MAP  
AMENDMENT TO  
REZONE THE  
FORMER KOGEL  
LUMBER PRO-  
PERTY ON BERLIN  
STREET FROM  
RPZ RESIDENTIAL  
TO THE PSUZ  
PUBLIC SERVICE  
UTILITY ZONE  
WITH AN  
EFFECTIVE DATE  
OF MAY 15, 1999

come back to the Commission. Atty. Farber responded. Comm. David Roane questioned decline in property values and noise problems. Atty. Farber responded. Comm. Carl Bolz commented on buffer requirements. D. Hobson expressed support due to the current eyesore. The Water and Sewer Department and the Park and Recreation Department are good neighbors. K. Leone, a Water Department employee at Randolph Road feels more room is definitely needed. E. Kelsey expressed concern over mixing trucks, kids, buffers in the parks spoke at length on the lack of maintenance. Francis Patnaude spoke in support of rezoning for the Water and Sewer Department. They don't deal with the Park and Recreation Department now. Ed White spoke in support. J. J. Vinci spoke in support and the urgency to move the Water and Sewer Department. Guy Russo responded and concluded. Comm. Carl Bolz expressed concerns over site plan approval, sidewalks, on the bridge, the Newfield Street intersection and Park and Recreation maintenance concerns. Guy Russo continued with his conclusion on Park and Recreation issues, Category 4 site plan review issues for future considerations, and requested support. Comm. Corrine Dorsey questioned the impact on jobs. Guy Russo indicated that there would be no elimination. Comm. Corrine Dorsey questioned William Warner on Park and Recreation uses. William Warner responded. Comm. David Roane commented on the Park and Recreation use and the need to keep in mind needs for this area. Guy Russo responded. On motion and second by Comms. James Fortuna and David Roane the Commission closed the public hearing. Vote was unanimous. A motion to adopt a Zoning Map amendment to rezone the former Kogel Lumber property on Berlin Street from RPZ Residential to the PSUZ Public Service Utility zone was made by Comm. David Roane and seconded by Comm. James Fortuna. Comm. David Roane spoke in support. Comm. Carl Bolz spoke in support and congratulated Guy Russo on discussions with the neighborhood. The motion passed unanimously with an effective date of May 15, 1999. Applicant/agent City of Middletown Water & Sewer Department/Guy P. Russo, Director Z99-4

PLANNING AND ZONING COMMISSION REGULAR MEETING APRIL 28, 1999,  
7:00 P.M. PAGE 7 OF 7

On motion and second by Comms. James Fortuna and David Roane the Commission approved the minutes of the April 14, 1999 meeting. Vote was unanimous.

ITEM 6.1  
APPROVED THE  
MINUTES OF THE  
4/14/99 MEETING

Lawrence Buck commented on the purchase of open space parcels and the need for title searching. He spoke at length on liability and expressed concern over restrictive zoning to limit to people age 55 and older. Eleanor Kelsey commented on protecting the watershed from fire and acceptance of roads all over the town. Lawrence Buck commented on existing roads.

ITEM 7  
DISCUSSION  
WITH PUBLIC

Adjournment was at 10:30 P.M.

ITEM 8  
ADJOURNMENT

Respectfully submitted,

William Warner  
Director of Planning, Conservation & Development