

PLANNING AND ZONING COMMISSION REGULAR MEETING MAY 28, 2008, 7:00 P.M.
PAGE 1 OF 5

Chw. Barbara Plum, Comm. James Fortuna, Comm. Les Adams,
Comm. Deborah Kleckowski, Comm. Cynthia Jablonski, Comm.
Richard Pelletier, Comm. Catherine Johnson, Comm. Matthew
Lesser (seated for Comm. Pelletier until 7:55 p.m.), Comm.
Quentin Phipps, Asst. Dir. P.W. Robert Dobmeier, Ex-Officio

MEMBERS
PRESENT

Comm. Ron Borelli, Mayor Sebastian Giuliano, Ex-Officio

MEMBERS
ABSENT

William Warner, Director, Matt Dodge, Planning/Environmental
Specialist, Bruce Driska, Zoning Enforcement Officer

STAFF

There were ten (10) members of the public present. There is a word for
word tape recording of the meeting on file and available in the Planning
Office.

PUBLIC

There was no discussion.

ITEM 2
DISCUSSION
WITH PUBLIC

Atty. Richard Carella introduced the proposal, submitted a parking
layout (Exhibit 1) into the record and indicated that the parking
of seven (7) spaces meets the regulations. Chw. Barbara Plum
questioned where the parking for the homeowner would be located.
Atty. Richard Carella indicated it is included in the seven (7)
spaces. Chw. Barbara Plum questioned the location of the public
entrance. Atty. Richard Carella indicated it is in the front of the
building. Chw. Barbara Plum questioned if the handicapped access
is located in the front only. Atty. Richard Carella indicated that at
the moment, yes. Caleb Carney, the applicant, indicated that State
Farm requires their offices to be American Disabilities Act (ADA)
approved. Chw. Barbara Plum questioned what would prevent two
(2) handicapped spaces from being moved near the door. Atty.
Richard Carella indicated they would consider it. Comm. Catherine
questioned the number of employees. Caleb Carney indicated there
would be two (2). Comm. Catherine Johnson questioned what the
surface was. Caleb Carney indicated the apron is paved. Comm.
Catherine Johnson questioned why three (3) spaces and how many
would really be needed. Caleb Carney indicated he needed two (2).
Atty. Richard Carella indicated there is no parking allowed on the
private road. Comm. Catherine Johnson indicated that the amount
of impervious surfaces in the city needs to be limited and questioned
if anyone considered using pervious pavement. Atty. Richard
Carella indicated that they do not have control over what was al-
ready approved, a paved parking area. William Warner questioned
if the parking lot was going to be paved anyways, why not use
pavers for additional parking, commented that the subdivision is
environmentally friendly and the regulations allow for some
flexibility for what type of pavement is used and questioned why
there are two (2) handicapped spaces when only one (1) is needed.
Atty. Richard Carella indicated he would ask the developer.

ITEM 3.1
GRANTED A
SPECIAL EX-
CEPTION FOR AN
ADAPTIVE HIS-
TORIC RE-USE
TO CONVERT AN
EXISTING HOME
LOCATED AT 401
NEWFIELD
STREET TO A
NEW USE AS AN
INSURANCE
COMPANY AND
SINGLE FAMILY
DWELLING RE-
SIDENCE

PLANNING AND ZONING COMMISSION REGULAR MEETING MAY 28, 2008, 7:00 P.M.
PAGE 2 OF 5

Comm. Les Adams questioned with regard to the house requirements, what type of renovations would be done. Atty. Richard Carella indicated the house would basically just be brought up to code. On motion and second by Comms. Matthew Lesser and James Fortuna the Commission closed the public hearing. Vote was unanimous. A motion to grant a Special Exception for an adaptive historic re-use to convert an existing home located at 401 Newfield Street to a new use as an insurance company and single family residence and a motion to grant a waiver of the A-2 survey requirements was made by Comm. Matthew Lesser and seconded by Comm. James Fortuna. Chw. Barbara Plum offered a friendly amendment that the applicant look into impervious pavement. The motion as amended passed unanimously. Applicant/agent Caleb Carney/Law Offices of Richard D. Carella, LLC SE2008-4

William Warner explained the proposed text amendments and modifications to the Flood Area Management Regulations, identified on a map where the floodplain areas are and how the flood insurance works, and indicated that if the new regulations aren't adopted, the city and its residents will not be able to attain flood insurance. Eleanor Kelsey questioned the regulations and who wrote them. William Warner indicated the State Department of Environmental Protection wrote the regulations. Eleanor Kelsey questioned what was available for review in the Town Clerk's Office, indicated that the legal notice wasn't clear and that she disagreed with the existing and proposed text. Lawrence Buck disagreed with the existing and proposed Flood Area Management Regulations. Comm. Richard Pelletier entered the meeting at 7:55 pm. William Warner responded to the public comments and allegations. On motion and second by Comms. James Fortuna and Richard Pelletier the Commission closed the public hearing. Vote was unanimous. Comm. Cynthia Jablonski had concerns that the text wasn't available where promised. A motion to adopt a Zoning Code text amendment to modify Section 46 Flood Area Management Regulations in accordance with new standards adopted by FEMA with an effective date of August 28, 2008 was made by Comm. Richard Pelletier and seconded by Comm. Les Adams. William Warner indicated that the text was filed in the Town Clerk's Office as proposed, that the maps were not on the agenda, that they are located in the Planning Department and that the maps are not being adopted at this time. Bruce Driska indicated that the Town Clerk had just informed him that the existing and proposed text was available and was sent to Eleanor Kelsey's husband. Chw. Barbara Plum indicated that the only item being discussed is the proposed text change and that the maps are not being reviewed or are under discussion. The motion passed unanimously. Proponent PCD Dept. Z2008-1

William Warner explained the proposed text amendment and indicated it would give the Zoning Enforcement Officer a tool to help enforce landscaping issues. Bruce Driska indicated it is an excellent amendment and would give actual regulatory teeth to make a developer comply with landscaping maintenance. Comm. Matthew Lesser indicated that he is no longer seated but that he supports the amendment. Chw. Barbara Plum agreed with the text change and that the Commission should have something that backs them up. On motion and second by Comms. James

ITEM 3.2
ADOPTED A
ZONING CODE
TEXT AMEND-
MENT TO
MODIFY SEC-
TION 45 FLOOD
AREA MANAGE-
MENTS REGULA-
TIONS

ITEM 3.3
ADOPTED A
ZONING CODE
TEXT AMEND-
MENT TO ADD
SECTION 55.10
MAINTENANCE
OF LANDSCAP-
ING

PLANNING AND ZONING COMMISSION REGULAR MEETING MAY 28, 2008, 7:00 P.M.
PAGE 3 OF 5

Fortuna and Les Adams the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. James Fortuna and Les Adams the Commission adopted a Zoning Code text amendment to add Section 55.10 Maintenance of Landscaping with an effective date of June 13, 2008. Vote was unanimous. Proponent P&Z Dept. Z2008-2

On motion and second by Comms. Les Adams and James Fortuna the Commission accepted withdrawal of a request for a two (2) year extension of the Special Exception approval for the River Road collector wells as part of the Kleen Energy facility. Vote was unanimous. Applicant/agent White Rock Holding Associates, LLC/William Corvo, Managing Member SE2003-7

ITEM 4.1
ACCEPTED
WITHDRAWAL
OF A REQUEST
FOR A TWO
(2) YEAR EX-
TENSION OF
THE SPECIAL
EXCEPTION
APPROVAL FOR
THE RIVER
ROAD COLLEC-
TOR WELLS AS
PART OF THE
KLEEN ENERGY
FACILITY

On motion and second by Comms. Les Adams and James Fortuna the Commission accepted withdrawal of a request for a two (2) year extension of the Special Exception approval for the River Road collector wells as part of the Kleen Energy facility. Vote was unanimous. Applicant/agent White Rock Holding Associates, LLC/William Corvo, Managing Member SE2003-11

ITEM 4.2
ACCEPTED
WITHDRAWAL
OF A REQUEST
FOR A TWO
(2) YEAR EX-
TENSION OF
THE SPECIAL
EXCEPTION
APPROVAL FOR
THE RIVER
ROAD COLLEC-
TOR WELLS AS
PART OF THE
KLEEN ENERGY
FACILITY

On motion and second by Comms. James Fortuna and Deborah Kleckowski the Commission scheduled a public hearing date of June 11, 2008 for a proposed Special Exception to tear down an existing two (2) family dwelling located at 13 West Silver Street and construct a new commercial building for display of cemetery monuments. Vote was unanimous. Santo Labbadia/Frank Magnotta, P.E., LLC SE2008-3

ITEM 5.1
SCHEDULED P.H.
6/11/08 FOR A
PROPOSED
SPECIAL EXCEP-
TION TO TEAR
DOWN AN
EXISTING TWO
(2) FAMILY
DWELLING LO-
CATED AT 13
WEST SILVER
STREET AND
CONSTRUCT A
NEW COMMER-
CIAL BUILDING
FOR DISPLAY
OF CEMETERY

PLANNING AND ZONING COMMISSION REGULAR MEETING MAY 28, 2008, 7:00 P.M.
PAGE 4 OF 5

MONUMENTS

On motion and second by Comms. James Fortuna and Deborah Kleckowski the Commission scheduled a public hearing date of June 11, 2008 for a proposed Special Exception to construct a wastewater pumping station within the 100 year floodplain at 88 Millbrook Road. Vote was unanimous. Applicant/agent Middletown Water & Sewer Department SE2008-5

ITEM 5.2
SCHEDULED P.H.
6/11/08 FOR A
PROPOSED
SPECIAL EX-
CEPTION TO
CONSTRUCT A
WASTEWATER
PUMPING
STATION WITH-
IN THE 100
YEAR FLOOD-
PLAIN AT 88
MILLBROOK
ROAD

On motion and second by Comms. Deborah Kleckowski and Les Adams the Commission approved the minutes of the May 14, 2008 regular meeting. Vote was unanimous.

ITEM 6.1
APPROVED THE
MINUTES OF THE
5/14/08 REGULAR
MEETING

Bruce Driska presented his report and invited questions. Chw. Barbara Plum questioned the activities on Jeff Pierce's property. Bruce Driska indicated there is clearing activity and erosion and sedimentation issues and that an application will come before the Commission for additional activities. Comm. Quentin Phipps commented that the report seems to be shorter than usual. Bruce Driska indicated that the illegal signs have been removed aggressively, which prevents them from being put up in the future, and there have not been as many clean-up violations as earlier in the year. Chw. Barbara Plum had concerns with the Citgo gas station on Newfield Street, indicated that there are too many cars on the lot, that they weren't approved for this many, that there should be only five (5) vehicles but that there are approximately thirty (30) cars and it is increasing. Bruce Driska indicated he would check the approval and with the Department of Environmental Protection and if there is a violation, the property owner will be notified. Chw. Barbara Plum again indicated there are too many vehicles and that she believes the cars are being detailed. Bruce Driska indicated he would survey the locations of the other car dealerships and see if they are located in the city right-of-way or off their property. Comm. Les Adams had concerns with the soccer fields under construction on Long Hill Road and the wetland impacts. William Warner indicated that the Country Club Road site has been seeded and the Long Hill Road site will be cleaned up in the fall. Comm. Catherine Johnson questioned if the report is on the website as well as moveable signs not being allowed, indicated she had seen these signs on Newfield Street and felt it would be helpful to have a yearly workshop regarding signs. Bruce Driska commented that a workshop for business owners may be appropriate but the signs that he pulls would be put up regardless of the regulations.

ITEM 6.2
ZEO REPORT

Comm. Catherine Johnson indicated she would like to speak regarding commission affairs and commented on the Land Use Academy and its success. She voiced public hearing concerns

ITEM 6.3
COMMISSION
AFFAIRS

PLANNING AND ZONING COMMISSION REGULAR MEETING MAY 28, 2008, 7:00 P.M.
PAGE 5 OF 5

and road plan ideas in relation to what she learned at the seminar, including: 1) the public can speak as long as they want as long as it's reasonable; 2) there should be a pre-application conference once a season; 3) public presenters have just as many rights as the applicant (i.e., powerpoint, projectors, etc.); 4) the Commission can change the agenda by a two-thirds vote; and 5) the Planning and Zoning Commission has liberal discretion regarding talking about issues with the public. Comm. Richard Pelletier indicated he learned a lot and it was a great course.

There was no discussion.

ITEM 8
DISCUSSION

On motion and second by Comms. James Fortuna and Deborah Kleckowski the Commission adjourned the meeting at 8:40 p.m. Vote was unanimous.

ITEM 9
ADJOURNMENT

Respectfully submitted,

Matthew Dodge
Planning/Environmental Specialist