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Jimmy Salonia

This guy from Boston was not voting for you. Thank you.

Chm Gionfriddo

I tried to rephrase from 'popularity contest' to 'number of people in the room, pro or con', okay?

Jimmy Salonia

Okay.

Chm Gionfriddo

By the way, that was a good comeback. Anyone else wishing to be heard? You did a better job than Mike(Dowley) with that comeback. Mr. Schaab, would you like to get up and say what you wanted to say and we will close the Public Hearing.

Mr. Schaab

Thank you, Mr. Chairman. I just wish to comment about - there seems to be a desire on the part of those oppose to convince the Commission that we have done our advertising and spent our efforts to attract commercial use, which was not light industrial and that is indeed not the case. We have - the advertising that has been which is necessary for any project to be successful, has stressed the availability of three uses: light industrial, office and commercial. The commercial was added through the overall configuration of projects when it was when we were approached without any advertising about people who wished to be placed there, I just wanted to indicate that the impetus and the strength and the effort has been, always, for light industrial space and also for office space and also retail space.

Chm Gionfriddo

We have one question from Commissioner Leinwand.

Comm Leinwand

I'm trying to understand the economics of the 30,000 square feet of community service building. If then, you were to build a building and use it for light industrial, the new building, what are we talking about for square foot rental, similar to the buildings you are going to use for light industrial in back?

Mr. Schaab

I would anticipate, Commissioner, that the existing space would have, just the existing light industrial space, would have a range of \$4.25 to \$4.75, depending upon the amount of office space within the light industrial space. I would anticipate that new light industrial space, if it were in a rural area or in an industrial park, would be at about \$5.75 to \$6.00. Here, I don't know because I have not tested the market. I would anticipate that the shopping space would produce for us approximately \$7 to \$8 a square foot. Again, (inaudible)helps to provide for us the cost of rehabilitation of the existing space.

Chm Gionfriddo

I am now going to close the Public Hearing. Go ahead.

Buzzy Levin

Buzzy Levin, Morgan Street. Having been in the retail business a little

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Buzzy Levine

longer than Jimmy, I have been in so-called factory outlet business. They are failing all over the country. You've heard about (Inaudible)Mills. There is one in Hartford, on New Britain Avenue that is closing its doors. The day is over when you can take the old buildings and have them be successful. '72, there was a new law in the State of Connecticut as of February 28. As a representative jeweler in the State of Connecticut, because of fictitious advertising, you will find that there have been a lot of ads that have been cleaned up that have not been giving the values that they are stating are not true. The Commissioner of - Heslin - for the State is supervising this and there have already been punitive charges already against certain retailers. I feel that having somebody coming into our city from out of town, and I like to have people come in, however, let them come in on ground rules that are set forth at the time at which the program is put in the game. They have no right to the zoning laws if they can't play within the rules, then I guess we just can't use them. As a retailer on the main street, I picked my building, I got no subsidy from the City of Middletown and everything I have done I have had to pay for. It's going to be an issue, then, about the water rights which is a liability, which the city is going to consider, I'm with issue. I think that is as far as this Commission should go and let them go along with the zoning that stands on the parcel of land. I object to the change. As a member of INFORM we are so desperately short of industrial land, I would like to see all of this for industrial purposes. Thank you.

Chm Gionfriddo

Thank you, Buzzy. Okay, now I am going to close the Public Hearing on Item #5. Is there a motion to make this, at least for discussion purposes, 6.11? Is there a second? Any discussion? If not, all those in favor? Any opposed? Motion will be item 6.11 on tonight's Agenda and we will move to Item 6 on the Public Hearing.

Sec'y Carta

Item #6: Continued proposed amendments to the Zoning Regulations.
Proponent Planning & Zoning Commission

ITEM #6:AMEND-
MENT TO ZONING
REGULATIONS/PRO
PONENT P&Z COMM

V-Chm Hutton

Is there any members of the public wishing to speak to this issue?

Earl Roberts

Earl Roberts, Middletown. My question that I raised today on the phone to George Reif, who I instructed or told I was going to come here to ask this question, he didn't have - or didn't dare make an answer because he didn't have all the particulars of my question and I don't have all those questions either, so I don't know if I am opposed to this new proposal or in favor of it but, Item, as you number here, 04.04.03, Dead End Street, I have two properties in Middletown....go ahead, George(Reif).

Mr. Reif

I was going to say, we are not talking about the subdivision now, we are talking about the Zoning Code and his question deals with a question in the - yeah.

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Earl Roberts

I'm in the wrong Item, #6?

Mr. Reif

Right church, wrong pew.

Earl Roberts

Okay, George(Rief), what number on the Agenda, then?

Mr. Reif

The next Item.

Earl Roberts

Okay, thank you.

V-Chm Hutton

Do you want to speak to this Item?

Jim Donady

Jim Donady, 11 Poinsettia Street. A comment about 12.08.01, Buffer. A general comment that I'd like to gain some understanding about. It seems to me that making a buffer zone 10 feet, rather than stating it at as, 'at least 10 feet, or minimum of 10 feet', would give the Commission greater latitude in increasing it later on if they so desired, so I'd like to understand why minimums aren't stated rather than absolutes?

V-Chm Hutton

It states so that it will be just the minimum. At least you would comply with the minimum of 10 feet.

George Reif

You could have a variation and the variation could be based on something like the size of the lot. The problem is when people are trying to design a project they have to know some specifics, I mean, they are willing to do a certain amount of guessing but pretty soon if everything is a guess, they expend a tremendous amount of money and effort and time in trying to guess what is going to be desired, or necessary, so that is the reason for having the 10 feet. There are some cases, incidentally, where the 10 feet may become an impediment on small lots and I would like to take the opportunity to suggest that you may want to have a provision for having less than 10 feet if, in addition to having more, so if you want to make it flexible, you should make it both ways. There are some of the smaller urban lots where you have a two uses next to each other where to take 10 feet on either side, 20 feet, you are going to take the entire lot. This has become a problem you may hear about as the evening goes on.

Jim Donady

My point is that by stating a minimum you give a developer a guideline but you do not lock yourself into that amount and when you, as Commissioners, see a need for it being larger, or as George(Reif) says, smaller, you have that flexibility, you are not locked into your own Code.

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Comm Leinwand

George(Reif), I don't understand why that isn't a perfectly sensible suggestion. I mean, what is wrong with having this thing read, ' when a new land use, blah, blah, blah, to an existing, there shall be a landscaped buffer strip no less than 10 feet in width at the edge of the new...' , and go from there?

Mr. Reif

There is nothing wrong with that except that on the other extreme where there are small lots that....

Comm Leinwand

But if you are talking about different land use, including different housing types, I don't care what size their lot is, there ought to be a 10 foot buffer, shouldn't there?

Mr. Reif

Well,....

Comm Leinwand

Due to different housing types or different uses.

Mr. Reif

Okay, again, I must confess that it has come to my attention, there are locations, it happens to be in the TD zone, where there are very small lots when they are converting from a single family to another use, and the lot is 50 feet and you take 10 feet off on either side, you've used up most of the lot. The - so, since we are talking about this, it is a two way street. I agree with you there is nothing wrong with providing a wider buffer where the lot can sustain it and of course one of the key things is to get that fence, or advanced planning in to separate the uses. It is a good suggestion and you can implement it.

Sec'y Carta

I just want to be sure that I'm understanding it, too. When we talk about different housing types, we are talking about single family, multi-family, attached, like that. That is the housing type we are talking about?

Mr. Reif

Correct. Right.

Sec'y Carta

Thank you.

V-Chm Hutton

Is there anyone else wishing to speak? Would the Secretary....yeah, would like to continue this for the next meeting?

Jim Donady

Can I ask you another question?

V-Chm Hutton

Sure

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Jim Donady

In reference to 44.08.27, Rear Lots. I have no concern about what you are proposing under the zoning. It does, in fact, you making it a Special Exception as you have under 44.08.27, carry over onto Planning?

Mr. Reif

I don't think you mean Planning, I think you mean Subdivisions. Okay. The - there are two options. One, as an isolated event, it is a Special Exception which, of course, does require the Public Hearing and what have you, but if we implement what is proposed here and used to be in the Code, 'if a rear lot, or rear lots are part of a subdivision than they don't require any special treatment, they are just considered along with the other lots with a subdivision.' So, it is here, in the Zoning Code, to be considered independently of a subdivision, it is also repeated in the Subdivision Regulations so that the rear lots can be part of a new subdivision of land. So, you have to have it in each place.

Jim Donady

Then if I understand you, if the Commission desired to have rear lots of a subdivision be a Special Exception, they would have to include that wording in the Subdivision Regs.

Mr. Reif

Well, there is a proposal before the Commission that would include rear lots but it would not be - if they are part of a subdivision - they would not be a Special Exception, they would be just included along with the other lots.

V-Chm Hutton

Is it the will of the Commission to leave this Item open until the next....

Comm Leinwand

Actually, I don't know how to do this and I wish the Chairman would get his rear back in here. I think there are some of these things that are pretty straightforward and that we ought to close the Public Hearing on, and implement. Particularly, the section including, covering, the Zoning Code Enforcement Officer. I don't think that there is any question but that we have heard from the public, or will hear from the Public, we haven't done that issue tonight, and that we ought to get that implemented. So, the question really is how we split this. I think that some of this ought to....maybe what I am saying is that you ought to close the Public Hearing and then we will decide which ones go and which ones don't.

V-Chm Hutton

Is there....

Sec'y Carta

So moved.

V-Chm Hutton

Is there anyone else wishing to speak before I shut it off? Okay. The Public Hearing is closed.

Comm Leinwand

Mr. Chairman, I don't know what we are up to, 6.11? 6.12? I would move that the issue of Zoning Code Text Amendments be Item 6.12 for somewhere around midnight.

V-Chm Hutton

Is there a second to the motion? Opposed? Let the Secretary read Item 6.7.

Sec'y Carta

Item 2.7: Continued proposed Amendment to the Subdivision Regulations of the City of Middletown. Proponent Planning & Zoning Commission

ITEM #7: PROPOSED
AMENDMENTS/SUB
DIVISION REGS/
P&Z COMM

Chm Gionfriddo

Okay. This was requested to be continued at our last meeting for the people to have the opportunity to review it and make comments. Is there anyone here this evening who would like to speak?

John Zimmerer

John Zimmerer, Ridge Road. It was just about two years ago, this time of the year, when a bunch of us southenders were gathered together at the Falcon's Campground grousing about Teddy Bysiewicz's Planned Residential Development...(inaudible)...it so happened, the PRD proposal was turned down and Teddy Bysiewicz was permitted to go to another type of development that was very suitable for that particular piece of land. Now we have a new proposal called Subdivision Cluster Design. I find it very hard to comprehend how this new proposal is brought forward only two years after the demise of the PRD. Except for time limits, there is nothing changed but the title. As I see it, the main problem with this proposal is the same as the PRD requirements in that this type of development can be used anywhere in any of the residential zones without being shown on the zoning map as to where these could be used. This is like a black cloud hanging over everybody's head and that cloud could fall anyplace on Earth at the will of any developer. We can, at that time, order citizens to come forward again (inaudible) to whether or not this should be permitted in the particular area proposed. If you are going to have a development such as this I see no reason why you should not be tied down to particular areas on the zoning map as you do all your other areas of zone. This is no different than any other type of planning & zoning problem you receive day to day. (Inaudible) as mentioned at the presentation at the last meeting, was that the areas not developed would bring wildlife but I think that you'll find today that the society is no longer agrarian a society that while the skunks, woodchucks, snakes and field mice do not get along with the average citizen. I attempted to take the cluster design language and apply it to actual areas in the south end of Middletown. I found I could not apply this proposal with any area, whether it be in the south end of Middletown or elsewhere because the proposal is highly contradictory to the zoning laws to which it is referenced. The proposal states that the requirements of any of the residential zones can be reduced by 50%. For example, R-2 requires 100' X 100' lots with an area of 15,000 square feet which could be reduced to 50' X 75' lots. As we were taught in fourth grade, the arithmetic class from....

Change of tape

....area would not be reduced to 7500 square feet but would be reduced

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Mr. Zimmerer

to 3750 square feet. So, instead of three building lots per acre, you would not be going to 6 lots as people would think, but actually you would be going to 12 lots per acre. This is a multiple of four. Another example, R-2 zone states that the dwellings must be detached. This proposal states the dwellings can be attached or detached. I have no idea why this proposal should be brought up two years after the PRD was eliminated. I don't hear any comments from anybody requesting this type of proposal to be introduced back into the Planning & Zoning Regulations. If there is a place in Middletown for this type of development, I feel that the zoning should actually identify the particular areas where this type of development could be used and then bring it before a public meeting for everyone's approval. Until that time, I feel this proposal should be tabled until further work is done on it. Thank you.

Chm Gionfriddo

I just want to make one thing clear to you. I am not going to say I agree with every point you made, but I think some of us in reviewing this Cluster Subdivision Regulation realize there are things in it that need to be improved and I think, to a certain degree, it will be redone and some of your concerns will be addressed. Okay? You - the public will be given an opportunity to look at a new proposal and have another Public Hearing on it. Okay? Anyone else wishing to be heard?

Virginia Renschen

Virginia Renschen, 227 Atkins Street, Middletown, CT. Wrong thing, today's crossword puzzle. I also do not like the cluster housing because I think it sounds just like the condos and I thought that we were done with that and I think that if we are going to have condos, and a lot of people on the Commission seem to feel that that is a real possibility, then we should make a separate classification for that and not call it 'cluster homes'. Probably there is going to be cluster homes or something similar to that next to where I live and I would hate to think that it could even possibly, or remotely, be anything like this, at all. I think a lot of the - I have a lot of questions about a lot of the actual numbers that are used in here, for instance, that the - in all the zones the front yards shall not be less than 20 feet - I can't even imagine a house less than 20 feet and so I think probably that's kind of low, I mean, I don't know, unless you are talking about a real pie shaped lot or something like that. So, I have a question with that. Anyway, since you are going to rewrite this thing than I guess the Public Hearing is going to stay open, is that right?

Chm Gionfriddo

I would anticipate we close it and if it is a substantial revision, we will probably have another one.

Virginia Renschen

Than in other words, this will be voted 'no'?

Chm Gionfriddo

It's going to be closed - put it this way - don't assume that we are

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Chm Gionfriddo

trying to slip anything by you, we are not. We will probably close the Public Hearing, put it on the Agenda under New Business at the next meeting, work with Staff on a revision, come back with the revision, if the revision is considered to be substantially enough change, we will probably vote 'no' and then have another Public Hearing. If the revision is only a minor revision, we will see what happens at that point.

Virginia Renschen

Okay, but what happens to this in the meantime?

Chm Gionfriddo

Nothing

Virginia Renschen

In other words, this....

Chm Gionfriddo

It is going to be closed today and put on New Business at the next meeting.

Virginia Renschen

Okay.

Chm Gionfriddo

Nothing happens in the meantime.

Virginia Renschen

Yeah, but this isn't in effect now, there is no cluster housing now.

Chm Gionfriddo

It's not in effect. No, it's not.

Virginia Renschen

Good. Okay, thanks

Chm Gionfriddo

Commissioner Leinwand

Comm Leinwand

What all that means is I think it is really clear that what is on those two pages will never see the light of day in this city. Wait a second though, in order for us to get a sense of what we can do, I think it is extremely valuable that we get an understanding of what we don't want. I think that Nino has done us a real service by putting the whole thing together and saying, 'this is one possible way to do it', and giving us the sense of where the boundary is and I think that in the process that we need to go through to decide where clustering makes sense, and how it makes sense. This has helped because it certainly clarified for any number of us the kinds of things that we do not want to see.

Virginia Renschen

Yeah, I think that Nino did a great job, too. I just, I'm not crazy about it, but I think he - you did a great job, Nino.

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Chm Gionfriddo

In plain language, Nino did a wonderful job by showing us what we don't want.

Jim Donady

Jim Donady, 11 Poinsettia Street. I'd like to praise Nino also but, specifically, he sets out in his preamble, the purposes, lots of ways in which cluster design could be well used. I think we recognize those good uses but we would like some control over them. One of the things that concerns me is that the way it was put forth as one of the three types of subdivisions, it seems to me a developer could choose any one of the three equally. I would strongly suggest that if we consider cluster subdivision possibilities at all in the future, that it be made a Special Exception and that a developer recognize that this is something that is going to be used only under special circumstances and that the Commission has the right to deny that use, still allowing the developer to use one of the other methods of subdivisions.

Guy Russo

Guy Russo, 599 Chamberlain Hill Road. I'd like to comment on the Subdivision Regulations, also. I may be repetitive in what people have said before but I think it is beneficial for you to hear the same kinds of things are running through several peoples thoughts. In particular, my first comment, the guidelines as they are written, I thought lacked a little specificity in giving concrete guidance to whoever was going to read them and apply them. As it is written now, a developer can come in and use the Cluster Design to circumvent, in a way, the other regulations here at Planning & Zoning and I would have a rough time arguing that there aren't areas where cluster design makes implicit sense. Just for everybody in the audience, to give you two ideas, should have a - you've got to do something with these microphones - you have two 25 acre areas and if the minimum lot size is an acre you are going to develop on 12.5 of those acres. Let's say that the soil is well drained, 12.5 acres are underlined with bedrock and are not developable, if the area is so situated that that area is common, it can be maintained then it makes sense to use a cluster division if it is properly designed. I'll get back to that again. The worst case scenario is an area where there is 12.5 acres to the front of the lot, 12.5 acres in a deep gorge ravine, they will never serve anyone's best interest, that only turns out to be an insurance liability. They are asking those people to jointly hold ownership in a piece of property like that is an insurance liability to each one of them. Without tort reform, as I understand it, under the severally liable clause, each one of those people could be individually liable for anything that would happen on that 12.5 acres, common ownership. The other question is, 'does the City want to be a proprietary owner of a piece of marginal garbagemland that carries that same kind of liability?' I think that the City should also consider this long term, beyond cluster design, the longterm acquisition of property for the public good, which is something that I don't think had been done. The report obviously took a while to develop and I think as a matter of diligence, it should be given equal time to be reviewed and maybe, as an alternative to voting on it tonight and bringing something back and voting on it again, I would make the suggestion that you set this thing on a long calendar date, at a date certain, possibly some time this fall, to give it some serious thought and have an extended public review period to go through it. I haven't seen a formal presentation

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Guy Russo

where other cluster design laws or proposals have been looked at from other communities or any model legislation, how it has worked in the past. The thing I think we all would hate to see is to make this kind of housing available right now, prostitute Middletown and at some point in the future, have people looking to Durham and Haddam for the kind of housing they really wanted when they first entered the market. Some comments I would have, as you look at this thing and if that's what you so decide to do, would be to restrict any cluster housing of any kind in no zone higher than an R-2. Also, I think you have heard this before, no cluster development except by Special Exception. I think that you, this Commission, has to be given some subjective ability to determine what fits a cluster design and what doesn't without passing guidelines and then having to fight legally on what is right and what's - what seems right and what seems wrong. More importantly, I think a master plan done by a unbiased outside planning firm needs to be done to the entire city. You heard tonight you are looking at light industrial, you are looking at cluster, where does it fit? What - where it doesn't fit, you are handling this thing piecemeal. You need to take a look at the whole. I think you all fell into a couple of Councilors, tell them not to be so cheap, put the money up. Let's get it done. The last thing that I would mention, I don't think any cluster design should have attached housing associated with it. Thank you.

Chm Gionfriddo

Anyone else?

Ann Bickford

Ann Bickford, Chairman of the Westfield Residents for Rational Development. We have been studying it as much time as we could put into it, but given the short notice we had, and we also feel that under the circumstances, Nino has given us a good basis to study and certainly something to bounce off of. I do think - I did compare it with the old PRD regulations that we had in place and there are definite improvements over that. However, I don't think it goes far enough. I, too, feel - we do - we have told the people who, a number of the membership, and we have had several meetings of our Strategic Planning Committee and studied other cluster development designs in other Zoning Codes and we have come up with the feeling that this is not going far enough, it is too piecemeal. I think very good things can come out of some way of providing it for preserving land for a number of uses. I would even suggest that we broaden some of the things that we would be trying to protect and what Nino stated as a purpose. We have talked about preserving aquifers, we've talked about preserving farmland and as the city grows, we are going to need future school sites, but all of this has to be tied to an overall master plan. Other communities have been very successful by developing their open spaces - looking ahead to their open spaces so when a developer wants to use the cluster option in a community he is actually tied in so that it becomes a unified open space, not just little pieces here and there. I think some of the criticism of cluster developments in other communities and some of the problems that have come from them, have been small, too small, pieces of property devoted to open space to be meaningful, so they become a problem. There may be sections in town, if you really analyze them, where preserving open spaces is not really a meaningful thing

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Ann Bickford

to do and other areas where it is very meaningful. I think that giving attention to soil types, not allowing for, as the regulation is now written, I think it is very weak in the area of allowing open space credit for land, whether it is buildable or not. If land is totally unbuildable then I don't think it should be given full credit as far as the use for the open space requirement. I think that there should be some addressing the soil types and the use the land could be put to if it was a normal, you know, a straightforward development with the conventional requirements of the zone. I think that I would really like to see, as other people have mentioned, we would like to see much more thought put into it, it would be tied in very definitely with the Plan of Development and whether it comes out that there would be certain areas set aside, that clustering could only be used or whether there is another way to come about, I think we could come up with a very good tool for improving the saving and preserving of land that we now have and enjoy but we won't have much longer at the rate Middletown is going. We really are at a critical turning point, so I guess we would really like to recommend that the staff be given more time and more support, and as a community group we would stand ready to provide any sort of volunteer help that might be required to work with the staff, if they really can be given the time to do this. Thank you.

Chm Gionfriddo

Anyone else?

Chet Dzalio

Mr. Chairman, members of the Commission, my name is Chet Dzalio, 55 High Street, Middletown. I'm here with my client, Ed Cole, who is also in partnership with a Mr. Bob Fusari and Bill VonMallen from Middletown. Mr. Fusari and Mr. Cole are from Saybrook. The three gentlemen recently entered into a contract to purchase land on Atkins Street in Middletown, on the west side of Atkins Street, about 88 acres, and on the east side about 22 acres. The contract was signed, I believe, May 7th. Shortly thereafter Nino's(Martucci) proposal came to the fore. My clients analyzed that proposal and felt that it might be a good thing for them and for the City of Middletown. They chose to I think this is pretty fortuitous in this sense, that it is difficult to talk about things in the abstract. What we have done, the proposed developers have planned on coming to this Commission with a standard subdivision plan for your approval. They took it upon themselves to do two things: to prepare a rough schematic of what they might be able to do under the present zoning regulations and the subdivision regulations then they commissioned their land architect to prepare another schematic showing what might be under the proposed cluster design. I have with me Mr. Ed Cole today, who will address to this issue. He also has with him, and we will pass this out in a moment, four different objections to what you have proposed, Nino(Martucci) has proposed, with some suggestions with reference to how we would like those changed for the betterment of the design development concept and for our proposal. I think it is fortuitous in that we have done something - it is hard to visualize what is and what might be, so I think if I put on Ed(Cole) now to show just exactly what they proposed

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Chet Dzalio

in the very first instance and what it will look like with the new regulations, if passed.

Ed Cole

This preliminary plan is based on one and one half (1½) acre, single family lots which complies under the present zoning regulations. I'll just give you a brief explanation of it. Entrance road off of Atkins Street, our intent here is open space, it is shaded light green. The dark green, as you see it here, are the present tree lines that are on the property. This area down here is a tree lined area and it is designated as open space because it is wetlands. The dotted lines, as you see them here, are the wetlands as on the City of Middletown's present maps. This could be a potential submission for subdivision approval based on the present zone. Open space, usable, usable, not usable. Under the proposed cluster regulation we could end up with something of the sort.(flipping map over) again, this is very preliminary, we've looked at it, we could improve on what we have here but we feel certainly that it is an improvement over what you seen previously. Again, the same open space, usable open space, usable open space, this remains the same. The difference between the two, same number of lots, preliminary 35 1½ acre lots, here 35 1 acre lots, remaining land being placed into usable open space. Usable, in that it is on road frontage, available. Our further improvement of this would be, and this is something that we have discussed with the land planner, we have not had the time for him to send us any additional information, but would be to take a portion of this, these lots, and make open space here to here, flip this so that the open space is here. So, now what we have our contiguous open space which is all usable. This is an example of what the cluster, proposed, cluster regulation could allow to be done. We feel certainly it would add a lot more value to a subdivision and certainly to the neighborhood and certainly to the City of Middletown.

Comm Leinwand

Mr. Cole, could you just - how many lots did you have in the regular subdivision layout?

Mr. Cole

35 1½ acre lots

Comm Leinwand

And when you cluster?

Ed Cole

The same number, we would not increase the number of lots.

Mr. Dzalio

The intent here is, in respect to the cluster development concept as opposed to the PUD or PRD, the PUD and the PRD allowed for a greater number of units within a particular area, here what we are saying is this, if we are allowed, and you do approve, could approve, a subdivision that has 35 lots under one concept whereby you use up a lot of space and we propose another concept which has the same number of lots but utilizes and keeps open, open spaces for the use of the people in a

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Mr. Dzalio

particular area and others. This is a conservation method of landscape, etc.. Surely, there is no question but with the cluster design, and there is perhaps less cost to the developer, but that should not be an impediment to your decision along these lines if the developer can save, surely he is probably going to make a larger profit but he can pass on the savings to others. There has been some mention to, with respect to, what happens to the open spaces, liability insurance, etc., I think you are all familiar with the Act that was passed in 1983, the Common Interest Ownership Act. It is a very voluminous statute that covers about most everything. When that first came to the fore, I was opposed to it because it was just too complex but over a period of time it has proven to be workable. The open space within the cluster design would be put into the ownership of either undivided interest in the individual lot owners or in the ownership of an Association. What happens if, supposing that the people just don't maintain it? Right there within the regulations, and the Association has established, there would be a sort of a tax, but if the people do not pay their maintenance fees, there are lien fees. Liens that can be placed against the property. With respect to insurance, I know that it is a frightening thing, I have been exposed to it myself. I think with the Tort Reform Act and other things, in Florida right now they are reducing insurance premiums by 40% and I think in time, surely by the time this development gets off the ground or into the ground, that I think that the insurance will be no longer a problem, or not as a great a problem. I also believe that this panel should have some time to be worked on. We met this morning with George (Reif) and Nino (Martucci), we presented some ideas with respect, especially with respect to not limiting the concept to only areas served by water and sewer because other areas can be worked. We also would be most happy to work with the Commission and with the office to work out a plan that is for the benefit of everybody. I think that it works in many, many towns. Mr. Cole, Mr. Cassari(sic) have put together a very, very nice cluster development in Madison, called Five Fields, homes at one time sold for about \$75,000 are worth now \$350,000, it is a beautiful concept. When we come to you, hopefully, at some future time, we'll have to show you slides of what we can do and it is not to get more density but keep the same density but utilize what you are trying to accomplish.

Chm Gionfriddo

Thank you, Chet(Dzalio). Anyone else? Oh yeah, I'm sorry, go ahead.

Mr. Cole

The comment of saving dollars. If we look at the two proposals quickly, the dollars you might save would be saved in roads. The difference in roads between these two proposals is this one is approximately 500 feet less than this proposal, so dollarwise there is not a substantial savings in developing but that is so much nicer neighborhood.

Chm Gionfriddo

It also saves the city a lot of money in plowing.

Mr. Dzalio

I'm just going to take a second. There's also what we would propose to keep these roads private if that is something the Commission would go along with, which is a great idea.

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Mr. Reif

I want to emphasize, as we emphasized this morning, that's where the neighborhood association becomes very important. Every developer loves to have private roads and leave everything to the homeowner and if there is a firm agreement and the City doesn't eventually have to take them over, that's fine but that's why the homeowner's association is a very important element in all this discussion.

Chm Gionfriddo

Thank you, Chet(Dzali). Anyone else?

Cashen Coley

Cashen Coley, Mapleshade Road. I was very interested in hearing their presentation on how a cluster design could really improve the basic layout. I know Louie Carta has long been a proponent of that argument. People who saw this very quickly the other night in Westfield generally all came out saying that they liked the way it looked with the cluster which permitted a sort of old fashioned town green compared to the layout of the subdivision. I think it shows what benefits cluster design, a cluster designs section in the Code, could bring to the community. However, I do feel, and the people I have talked with, we discussed this with Westfield people and we are pretty much together, I endorse all the remarks that Ann Bickford made earlier but we do feel that not every developer who came to town might have the taste and the standards that Mr. Cole has and that as the.....

Change of tape

Cashen Coley

....on a Plan of Development could be a great benefit to the City. First of all, I do want to compliment the Staff who have heard cluster developments proposed and have gone to work very quickly to bring something which I am glad to hear is a point of discussion, rather than the final word on the subject. I'm happy that there is an interest in seeing how at certain times under certain circumstances the Zoning Code could be bent or allows room for a different but imaginative treatment of the land. Nevertheless, I've mentioned that we see a lot of catches. I think Mr. Zimmerer pointed some, Guy Russo pointed a very important one which was, 'how do you determine how you count how many houses can be built on the land?' If 25% is a traprock ridge, does the developer get to count that 25%? He, and Ann Bickford, both mentioned that the soil should be used as the basis for deciding how many houses could be figured on that lot. This brings us to the - back to the - point that we keep mentioning that the Plan of Development is outdated, it does need new work and it could serve as the bedrock and the guidelines for what part of town you want to even consider saving through clustering, saving the land and what parts of town it would not be suitable for and therefore, a developer would know the moment he came into George's(Reif) office and he looked at the soil map whether he had a Chinaman's chance of bringing a proposal to you that might fly or not. If it is in the wrong part of town according to where we are not interested particularly saving anything, he would know right away not to waste your time, but to come in with a standard subdivision proposal. In the purpose of this proposal, as now written, where Nino(Martucci) outlines goals that this proposal should try to

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Cashen Coley

meet he does not include - I don't know if it was an oversight, or what - agriculture land and the aquifer but we do have on the south side of town, as you know, a very major aquifer which Mr. Baron has said he doesn't plan to use at the present time but we are the guardians of that aquifer for our children. The aquifer should be one of the goals and also the farmland. In Middletown, just a few years ago, almost one third of the land of Middletown was farmland and our agricultural goals can be met even with clustering development. For instance, on the second page of the regulations where it lists what the open space could be used for, there are other things it could be used for, too, such as leasing out a farm because it is valuable farmland that we are going to leave as open and we could still allow some housing to go on around it. We might feel that on that side of town with new housing coming, eventually, a new school is going to be needed so we might wish to set aside some lands so that the town would have access to land for a school if it so desired. Or, it could be a Firehouse. In other words, there are other purposes for setting aside open land in addition to the excellent ones that have been listed here. So, I think what you need to do is take a very careful look at both at the wording of this and at the Plan of Development which would provide the basis for this. The statutes say that any changing in this - in the zoning - must be based on the Plan of Development, the State statutes. I would also like to say that when you are identifying things such as the scenic ridges, farmland and whatnot, Nino(Martucci) made a remark to the paper the other day that I certainly can see what he - agree - that it is a big job and he said, 'who is going to go out and do that footwork'? Well, Ann Bickford has already stated that we of the neighborhood residential organizations will be glad to do the footwork for the Staff and the Committee, we are not trying to usurp the authority of the Committee in any way but simply to assist them in finding out the kinds of things that they are going to need to find and it is a very big job. The last point is that in the Plan of Development we need to have maps that will be up in the office for the developers to see identifying the drainage basins in the town and the soils in the town, and the traprock ridges in the town, and the underground water system, natural water systems, in the town. If we have that, then I think that the cluster development could be rewritten in a way that it would not be liable to be misused. We could, at the same time, consider if we had that kind of map maybe not just limiting cluster to sewer areas but we could use it safely in unsewered areas too, as Mrs. Bickford and Mr. Cole both suggested. I do think this should be taken very slowly. You might begin with just saying 'detached units', as Virginia Renschen suggested. If the thing works, and if we find that it is not being abused, and that we have made it tight enough, you can always go back later and add 'attached units' to it. But don't get in over your head too quickly, let's take it step by step and tighten up the structure and tighten up the basis, namely the Plan of Development and I think that you could find that the citizens would support you on that. At the moment all they can see is the loopholes and the problems but we are very glad to help you in any way we can and you know we can do a lot of work, George(Reif), because we've been in your office, you might as well put us to work for you. With - I think that we would be very glad to support a good cluster

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Cashen Coley

development and I am very glad to hear you are going to take the time to work on it.

Chm Gionfriddo

Thank you. I know you like the microphone, but it is becoming attached to you.

Charles Harris

Charles Harris, Chamberlain Road. Mr. Chairman, members of the Commission, when Nino opens up a can of worms he does a job on it, that's for sure. What's just happened here tonight is exactly what many of us are concerned about. Cluster development should be dictated by the Commission and by the Zoning & Planning group as to where it will be located. Tonight these gentlemen have already supposed that, 'hey, we are going to have cluster development, why can't I do it?' I would say to him, 'you may not be able to do it, if this is done properly'. We have to get the zoning squared away, the planning squared away, where do you want to put them, what do we want to protect with them and cluster development was never meant to be low cost housing. Off the top of my head but quick and simple, simple arithmetic, 1½ acre building lots of 45 in number now become 35 1 acre building lots in number, I already lost all my tax base, and I lost it quick because I don't know what the value is going to be on the land that is going to be left as common land, or common property. Just quickly, and I don't like to nitpick, Nino, on this but from where I sit we need good street planning before we decide where we are going to put these things. We need good sewer and water planning before we decide where we are going to put them. We need to know everything that we can find out about the piece of property that they are on, or going to go on. If they are not careful, we are going to find ourselves manipulated by a bunch of sharpies that are going to find a piece of land that they can't do much with and they are going to holler, 'I want to do a cluster', because that is one way of getting rid of the undesirable part. In the cluster information itself we talk about 3½ story buildings and I don't know where this one came from but I guess I would like to ask, 'if I put a mansard roof on it, I automatically got an apartment?' The other thing that we have to consider on this, and we're getting into areas where not too many meetings ago I made the remark that it was time we started to develop by topography. Dave Mylchreest agreed 100%. You are beginning to get into areas that are very, very viable and can only be handled by an expertise that I have yet to be seen by several of the people who are doing development, and I'm talking slopes. When we talk slopes, this side of the valley and South Middletown are slopes, they've all got wet feet, you have to be extremely careful. We heard not too long ago from somebody that had a slope cut in back of his house and all of a sudden he has a spring in his backyard. This whole bit of cluster development can only work if someone comes up with a plan that decides what they want to protect, where that piece of property is to be and what the eventual outcome will be when it is put to use, you can only do this with an extensive plan that has been decided and will not be changed to satisfy every developer that comes down the pike. Thank you.

Chm Gionfriddo
Comm Leinwand

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Comm Leinwand

Mr. Chairman. Now people have criticized us for sitting here in Public Hearing after Public Hearing and just looking like we are falling asleep and dead. I think that Ann Bickford and Charlie Harris and Cashen Coley's comments deserve a very brief response. That is very simple, I think that you all have sat here long enough to know that basically we can be trusted. We sat here and in the last few we have raised standards, we've raised lot sizes, we have been accused of giving developers nothing but grief. There is no way in Hell that we are going to sit here and open the floodgates to undo all of those kinds of things. I think that we are trying to come up with something that makes sense and I can assure you that we are not going to jump into it foolishly. In fact, we are going to work with Staff and, if necessary, we are going to work with others and we are going to come up with the necessary information to do it right.

Chm Gionfriddo

That was a paid political announcement. Anyone else wishing to be heard? Hopefully, it is going to be on...I'm not trying to tell you not to speak, Earl(Roberts) but is there anything new and different that we haven't heard? Okay. We are looking for new, different and exciting.

Earl Roberts

You've got it. I'd rather be doing other things myself. I'm bringing this to the Hearing tonight because I got this copy late and I called George(Reif) late this afternoon and he didn't have enough input to give me an answer and I would just like it on record. My question is, this Item 04.03, Dead End Street. Not being a lawyer, I would like some answers, if you can give me one. I have separate of my residence in Bow Lane in Middletown, I have two properties, acreagewise, on two streets in Middletown that are both dead ends and as I read this proposal, these - this - acreage I would - if I chose to use them as building lots down the road, if this proposal was passed, would that be allowed or if this proposal is passed, wouldn't this Commission suggest that a Council that the town put in these turnarounds on these dead-end streets as it seems to be proposed here.

Chm Gionfriddo

Earl(Roberts), we are not going to answer that tonight. We got it on the tape, we'll give you an answer at the next meeting if you'd like but, as Commissioner Leinwand just said, that we have all been asleep and it is getting ten o'clock.

Earl Roberts

See here, I couldn't agree with you more but sometimes not all the minds - and I would never accuse the Commission or anyone here of doing anything wrong, but sometimes some things can be overlooked and I'm down at City Hall fighting with everybody as to what the rights are. You will give an answer, though? Thanks, Steve(Gionfriddo)

Chm Gionfriddo

Anyone else wishing to be heard this evening? If not, we are going to close the Public Hearing on Item #7 and I will entertain a motion for a five minute recess

ADJOURNMENT 9:55 P.M.

Transcribed by
Dorothy Wilson