

PUBLIC HEARING - COMMISSION ON THE CITY PLAN AND ZONING
- WEDNESDAY - JUNE 12, 1968 - COUNCIL CHAMBER -
MUNICIPAL BUILDING - MIDDLETOWN, CONNECTICUT

Present: Edward F. Button, Chairman
Philip M. Salafia, Vice-Chairman
Joseph W. Masselli, Secretary
John J. Higgins
Carmelo J. Mazzotta, Jr.
Salvatore J. Lisitano, alternate member
James Rolle, alternate member

Absent: Joseph P. Otfinoski, alternate member

Also

Present: Alex R. Posze, Jr., Director of Planning
Edna M. Lichtenberg, Recording Secretary
Petitioners and Counsel, and approximately
twenty-five (25) members of the public-at-
large.

The meeting was called to order by the Chairman
at 7:30 P. M.

CHM. BUTTON: It being 7:30, we will now open this public
hearing, and we'll ask the Secretary to read the minutes
as appropriate.

COMM. MASSELLI: Agenda - Commission on the City Plan and
Zoning - Public Hearing - Wednesday - June 12, 1968 -
7:30 P. M. - Council Chamber - Municipal Building -
Middletown, Connecticut:

As the Zoning Commission -

1. To consider a Change of Zone petition of
Paul Zieky and Jacob Mashkin. A request
that a certain interior parcel of land
lying to the east of Thomas Street, so
called, be changed from an Industrial
Zone (I-1) to a General Residence Zone
(R-2). The parcel of land is bounded
and described as follows: Westerly by
land of the City of Middletown, including
Thomas Street, so called, 617 feet;

Southerly by land N/F of William Brown and Helen Harris, partly by each 269 feet; Easterly by land of Paul Zieky and Jacob Mashkin, 485 feet; Northerly by land N/F of Robert M. and Marion Olson, William M. Lange, Jr. and Robert H. Lange, partly by each, and Dunn Street, so called. The above described premises being Parcel A on a map entitled, "Map of Property of Paul Zieky and Jacob Mashkin, Middletown, Connecticut, Showing Proposed Change of Zone, May 16, 1968, T. F. Jackowiak, L. S."

Legal Notices of this Public Hearing were published in the Middletown Press on Friday, May 31, 1968, and Friday, June 7, 1968.

ANY AND ALL PERSONS INTERESTED MAY APPEAR AND BE HEARD.

Copies of the proposed petitions have been filed in the office of the Town Clerk and are available for public inspection.

CHM. BUTTON: Do you have any letters from other city departments that are appropriate?

COMM. MASSELLI: From the Department of Public Works:

Gentlemen:

Please be advised that the above developers have contacted this office concerning utilities and entrance road, and these questions have been resolved.

No other comments are offered at this time.

Very truly yours,

JOHN C. O'BRIEN

From the Department of Health, in reference to the above:

1. Paul Zieky and Jacob Mashkin:
A sanitary sewer and public water supply are available to serve the area in question. No other difficulties of a public health nature are anticipated.

M. L. PALMIERI, M. D.

From the Police Department, re: Zieky-Mashkin:

Receipt is acknowledged of your transmittal memo on the above property.

Lieutenant Hilary Klimkowski of the Traffic Division has advised me that he cannot foresee any traffic problems at these two areas at this time.

Very truly yours,

VINCENT S. MARINO

I believe that is all, Mr. Chairman.

CHM. BUTTON: Whoever wishes to speak for this zone change, zone petition - Mr. Johnson -

ATTY. JOHNSON: I am Attorney Louis W. Johnson. I represent the petitioners. I think perhaps I could point this out better if I stood over here.

This is an interior piece of land. As a matter of fact, it's back land from Butternut Street. It's not Butternut Street frontage. The necessity for the application and petition lies in the fact that right through the middle of this land your zoning line divides the front of the land which is General Residential from the back of the land which is Industrial.

As per your most recent restrictions, in respect to what can be erected in an Industrial Zone, we now find the property owner with front land running two hundred (200)

feet back approximately from Butternut Street in a General Residential Zone with his backyard Industrial, or the rear portion of his property. Actually and technically and any other way, of course, we're down here asking for an upgrade of zoning. At this particular time, if the owner so chose, a factory could be built on this area which we're asking that you upgrade to General Residential. Now, there's not any secret about what our purpose is. We plan to erect apartment, an apartment house development in here if and when the Commission grants our petition. And I'd also advise the Commission, and I think this bears some relation perhaps to Mr. O'Brien's letter, that a grant of right-of-way from the City of Middletown to the present owners was granted, adopted and passed by the Common Council last January.

The entrance and exit from the bulk of this property will not be over on Butternut Street. It will run on a street which I indicate in the petition as Thomas Street, so called. There is a very substantial legal question whether Thomas Street is an accepted city street. It shows on some maps of an old developer who had a layout out here some fifty years ago. I'm personally of the opinion that it is not a city street, but I don't think that's relevant. The City, whether it is a city street or whether it is not a city street, has granted us a right-of-way fifty feet width which runs along this dotted line on this map. I've got a more detailed outline of the right-of-way, and would run around here and come into Butternut Street at or about, or near the Cross Street intersection. There's plenty of exist space for an orderly flow of traffic. As a matter of fact, as a matter of courtesy, some months ago, in cooperation, although at that particular time a zone change was not required, we inspected the land in the company of Mr. Posze and it was his opinion at that time, if I can quote him and from a zoning point of view, he saw no objection. He can speak for himself, but that was the reaction I had from him.

I know that this Commission doesn't require this but, in any event, a proposed layout which would be the one we would build, we did give to MR. Posze as a matter of information, and it is here. And I might also add that if the zone

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change is granted, that there will be no interior roadways within this site, as can be seen from looking on the proposed layout. The apartment houses which will front on Butternut Street will be on Butternut Street. There are walkways that will be connecting the ones that might be built here, but there will be no roadway, as such, exiting on to Butternut Street from the rear area of this land, and the only automobiles that would come in or leave would be the ones that would be attached to the front dwellings. There's no method for cars which would be parked down in here to get out there. No roadways.

I don't think there's anything more I can say, suggest, or put to the Commission. I think that probably - it's speculation, but I think it's reasonable - that the only reason that this rear area ever was Industrial, that perhaps, in ancient days when zoning was first adopted, there was some thought because of the presence of a railroad out further west, that this might have been developed as industrial land. Of course, the way things have happened it has not been developed as Industrial, and it's a General Residential Zone. And I think it's good zoning, and I think it's progressive zoning, and I think it's healthy zoning that a zoning demarcation line does not cut through the middle of an individually owned piece of property. I appreciate the fact that this is an ancient zoning line, but I think that, generally speaking, that a zone line, unless there's some overriding reason, and when it can be done, should follow the property line. And that's all we're asking for you to do tonight, gentlemen. As I say, we're asking for an upgrading. I'll answer any questions.

COMM. HIGGINS: Attorney Johnson, just one question. I'll tell you frankly I haven't done my homework on this. Is Dunn Street an accepted city street that you know?

ATTY. JOHNSON: In my opinion, Dunn Street is not an accepted city street.

COMM. HIGGINS: Thank you.

ATTY. JOHNSON: I refer you to the City Attorney, but I think he agrees with me. I do not feel that it is.

CHM. BUTTON: Does anyone else wish to - Do you have anything more to say?

ATTY. JOHNSON: No, no.

CHM. BUTTON: Does anyone else wish to speak for this request? Does anyone wish to speak against?

Just one moment, please. Give your name and address.

MR. BROWN: Brown. William F. Brown. Just what do you propose to do there? Build a bunch of apartment houses?

CHM. BUTTON: I know nothing about it. This is before us for the first time.

MR. BROWN: Who's in charge of this?

CHM. BUTTON: I'm the Chairman of the Commission, but -

MR. BROWN: In other words, you'll have apartment houses?

CHM. BUTTON: If this zone is changed as requested, apartment houses could be built there.

MR. BROWN: I'm opposed to it.

CHM. BUTTON: Yes, sir.

UNIDENTIFIED WOMAN: People have no say. We have no say -

CHM. BUTTON: Madam, you're welcome to speak, but please give your name so you can be recorded.

MR. BROWN: I don't care for any overflow of kids, and dogs, cats, cars or anything else onto my property because it goes way down to the city property. It's all wooded. I don't think you intend to make this into a public playground, so I would give these people an opportunity to speak.

CHM. BUTTON: Well, if you're against it, then stand up and give your name and address so you can be recorded.

MRS. LO CICERO: Yes, I'm a property owner and -

CHM. BUTTON: What is your name, please?

MRS. LO CICERO: - we had - - - we had privacy, and now it's going to be all apartments and noise.

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CHM. BUTTON: What is your name, Madam?

MRS. LO CICERO: Helen Harris. I'm married now. I'm Lo Cicero. But my property has been in the name of Helen Harris.

CHM. BUTTON: You see, your complaints are not valid unless we have your name and address.

MRS. LO CICERO: Yes. It's right next to my property and your property - - - (pointing to man in front of her) -

CHM. BUTTON: Does anyone else wish to get up to speak for or against?

MR. SAMALIK: Yes, I'm Ted Samalik. My property adjoins that, and I'm against it.

CHM. BUTTON: The gentleman there - wish to speak?

MR. LO CICERO: I'm against it.

MRS. LO CICERO: That's my husband. I'm remarried. The property was in my name, and now I'll be having it changed - - -

CHM. BUTTON: Does anyone else wish to speak for or against this petition?

If not, I'll declare this hearing closed.

Mr. Secretary, would you read the call of the next petition.

COMM. MASSELLI: Commission on the City Plan and Zoning -
Public Hearing - Wednesday - June 12, 1968 - 7:41 P. M. -
Council Chamber - Municipal Building - Middletown,
Connecticut:

As the Zoning Commission -

Item No. 2. To consider a petition submitted by the Middlesex Package Store Association. A request to amend the Zoning Code by adding a regulation concerning the sale of alcoholic beverages.

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Legal Notices of this Public Hearing were published in the Middletown Press on Friday, May 31, 1968, and Friday, June 7, 1968.

ANY AND ALL PERSONS INTERESTED MAY APPEAR AND BE HEARD.

Copies of the proposed petitions have been filed in the office of the Town Clerk and are available for public inspection.

CIIM. BUTTON: Is there any correspondence relating to this petition?

COMM. MASSELLI: Memorandum from John C. O'Brien, Department of Public Works:

The Department of Public Works does not have any particular comments concerning an amendment to the text of the Zoning Code proposed by the Middlesex Package Store Association concerning the sale of alcoholic beverages in Middletown.

We do not feel that there is any involvement regarding the Department of Public Works.

JOHN C. O'BRIEN
Director of Public Works

From Dr. Palmieri, Public Health:

The proposed amendment concerning the sale of alcoholic beverages: Since this pertains to the restriction of the number of outlets, it has no direct bearing on the public health upon which a comment may be made.

M. L. PALMIERI, M. D.

From the office of the City Attorney, via the Mayor's office:

The ordinance has been checked and approved.

PETER W. GILLIES

He inspected the ordinance which was submitted and approved it.

CHM. BUTTON: Alright. Does anyone wish to speak on behalf of this petition? Mr. Johnson again.

ATTY. JOHNSON: I represent the Middlesex Package Store Association, gentlemen. I want to put in the file some correspondence that I had from the State Liquor Control Commission which gives the number of outlets in Middletown. I'm not going to read it, but there were twenty-four (24) package store outlets here as of January 2nd and apparently there've been none since then, two (2) drug-liquor, twenty-one (21) grocery store-beer, twenty-two (22) restaurants-liquor, two (2) restaurant-beer, five (5) tavern, one (1) hotel, nine (9) club and one (1) cafe. This, the crux of the ordinance, of course, is that retail package stores and I, with the exception of possibly one city, a similar ordinance is on the books of every city in the State of Connecticut. This is nothing particularly original by the people whom I represent nor is it anything especially original on my behalf in drafting it. All of them vary somewhat but this is substantially the same ordinance as is presently in effect in almost every city in the State of Connecticut. A copy of it is in your possession, of course, but, briefly, it provides that there should be no new permits granted within fifteen hundred feet in any direction from a presently existing retail package store. 2. That anyone who has an established retail package permit business, nothing in this ordinance shall be construed to prevent a present permittee to moving to another location within five hundred feet of his present permit. This, of course, is an an, obvious exception to protect the fellow who may get into some problem with his landlord or he's not happy with the facilities he's offered, he wants to move somewhere near where he was to keep his established trade and where, we have that exception in this ordinance. We extend that exception to a thousand feet whereby in any situation where, through the act of a public body, for instance,

Redevelopment or condemning by anyone, a man loses his permit, that he can go a thousand feet from where he formerly was which gives him that additional exception. Of course, none of this applies to any, and it's so provided for in the ordinance although it would be a matter of law if it weren't, this doesn't attempt to reach any existing permit and forbid them from continuing. This faces toward the future. There are provisions, however, that would apply to an existing permit if for certain reasons the permittee, excuse me, discontinued or his business was inoperative for a period of thirty days, unless that discontinuance was caused (1) by a bona fide vacation, (2) by a bona fide sickness, or (3) by a temporary suspension, destruction of the premises by fire, and (4) by a temporary loss or suspension of operation of his privileges by the Liquor Control Commission. In any other case, if he just closed up his business, then he would lose his status and he would be subject to the ordinance.

As I say, I don't think there's anything particularly original in it. The bulk of the package store owners in Middletown and so far as I am able to determine, they assure me are for this. This is a business which is subject to the public interest and public regulation and we're not hewing any new ground. I think we're bringing our ordinances up, our zoning ordinances up to a par at which they should be.

CHM. BUTTON: Anyone wish to speak on this matter? If not, I'll declare this hearing closed.

I will now open the public hearing as the Planning Commission. I'll ask the Secretary to read the minutes.

COMM. MASSELLI: Commission on the City Plan and Zoning
- Public Hearing - Wednesday - June 12, 1968 - 7:48 P. M.
- Council Chamber - Municipal Building - Middletown,
Connecticut:

As the Planning Commission -

To consider an application of Herman C.
and Marion H. DeMerchant. A request for

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approval of a Special Exception, under the provisions of Section 44 of the Zoning Code, to permit the land located at 942 Washington Street to be used for an automobile filling station (gasoline station).

Legal Notice of this Public Hearing was published in the Middletown Press on Friday, May 31, 1968.

ANY AND ALL PERSONS INTERESTED MAY APPEAR AND BE HEARD.

A copy of the application requesting the above approval is on file in the office of the Commission on the City Plan and Zoning and is available for public inspection. Prints of the property showing location of the proposed automobile filling station have been transmitted to the Department of Public Works, Department of Public Health, Police Department and Fire Department for their review and comments.

CHM. BUTTON: Any pertinent literature?

COMM. MASSELLI: Correspondence from the Public Works, re DeMerchant Property, Washington Street:

Gentlemen:

Please be advised that City water and sewer are available adjacent to the site for use upon application. Use of storm sewer must be cleared thru the Connecticut Highway Department. All other aspects (setback, sideyards, etc.) seem to be in accord with requirements.

No further comments are offered at this time.

Very truly yours,

JOHN C. O'BRIEN

From the Department of Health:

Item No. 2. Herman C. and Marion H. DeMerchant:
No nuisance of a public health nature can be
foreseen which would militate against the
granting of this petition.

From the Police Department:

Receipt is acknowledged of your transmittal
memo on the above property.

Lieutenant Hilary Klimkowski of the Traffic
Division has advised me that he cannot foresee
any traffic problems at these two areas at this
time.

However, we do expect some slow-down of
traffic movement at the proposed gasoline station
site.

Very truly yours,

VINCENT S. MARINO

CHM. BUTTON: Anyone else wish to speak for this petition?

MR. DeMERCHANT: I'm Herman DeMerchant, but the lawyers and
the fellows from the company are supposed to be here, and
they haven't showed up yet, so -

COMM. HIGGINS: Here they are, in back of you now.

CHM. BUTTON: Just a moment, sir. Maybe they're there.

MR. DeMERCHANT: Alright.

CHM. BUTTON: We'll give you a couple of minutes to get
assembled. Mr. Parmelee -

ATTY. PARMELEE: Yes. Sorry to be late. Thought you'd
be -

CHM. BUTTON: Well, you're just on time. You're alright.

ATTY. PARMELEE: Thank you. My name's Richard C. Parmelee, attorney at law, practicing in Middletown, Connecticut, and I appear here tonight for Mr. and Mrs. Herman C. DeMerchant, with respect to seeking a Special Exception for their property situated on Washington Street, Middletown, out near the two big shopping centers.

My clients have this property under option to the Texaco Corporation for the purpose of developing a gas station at this site. I have with me this evening Mr. McKenna, an engineer of Texaco, and I also have their real estate man, Mr. Clancy, who dropped us off in front and who will be in shortly.

I believe we have furnished your Commission with certain detailed plans of, showing the particular parcel of land, the proposed entrances, the exits, the type of construction and the location of the construction, and all of the essential details. Mr. McKenna supervised, in his department with Texaco, the assembling of these plans and I will have him tell you about it. Mr. McKenna is an engineer by profession. He is familiar with the requirements that are set forth by the Highway Department and the Motor Vehicle Department of the State of Connecticut with respect to requirements for gas stations and all respects as to safety, entrance and exit requirements, site lines, and so forth.

On behalf of Mr. and Mrs. DeMerchant, we would ask your approval of a Special Exception, pointing out to you that this is, as you undoubtedly all have personal knowledge, a commercial area that's developing into, very rapidly in its extent, more stores, more people coming out there, and is one of the fastest growing commercial centers in the city, and it would appear and we claim that the proposed gas station fits into the scheme of things in the immediate area. As you know, there's a big apartment complex being built in back. There's another one going up slightly to the west towards Meriden. These will it is hoped, of course, will supply customers but in the immediate area, this will be a commercial establishment developed in accordance with the high standards that Texaco has for this type of operation. It is believed there will be no particular adverse effect upon traffic conditions in this area, that the general design of the building, or the

building rather that's proposed here, will be substantially in harmony with the other commercial buildings, and that this proposal will meet substantially with the several requirements of your Code which you enacted on March 19, dealing with the many aspects of the Exception. And, so, at least at the moment, instead of me relating much more about this, I'd like to call upon Mr. McKenna, the engineer, -

CHM. BUTTON: Mr. Parmelee -

ATTY. PARMELEE: Yes.

CHM. BUTTON: I don't think that that will be necessary. However, since you gentlemen are here, I would suggest that we forego discussion before the Commission of the technical aspects of this, presupposing a change or the passing of such a request. I would suggest that these gentlemen confer with our Planning Director on the technical aspects of it. We won't vote on this for two weeks, you see.

ATTY. PARMELEE: I see.

CHM. BUTTON: And if this meets with everyone's approval, I think that we can forego that discussion from the representatives of Texaco. They can talk over whether this meets City regulations and so forth with the Planning Director.

ATTY. PARMELEE: I understand. I mean I'm not trying to foreclose any City officials and substantially the plans are in conformity with what you people wish. There may be certain - I'll describe them as minor variations that you may want - and I can assure you that my client and Texaco will do everything they can to meet your requirements.

CHM. BUTTON: Well, we know that. Does anyone on the Commission here feel they want to have a dissertation on this any further tonight?

COMM. SALAFIA: Yes, let's hear a technical view of this.

COMM. MASSELLI: Yes, subject to the usual limitations, as long as it's pertinent.

CHM. BUTTON: Alright, if you gentlemen - can you make it very brief and precise -

MR. MCKENNA: I'll try.

ATTY. PARMELEE: Why don't I turn him over and let him say what he wants, and you ask him questions and maybe you get along -

CHM. BUTTON: Alright, let's do this. Give your name so we'll have it -

MR. MCKENNA: Alright. Donald McKenna. I'm with Texaco Incorporated, and my title is Chief Construction Engineer, in the Boston division. Since the building we want to build is what we call a Mattawan type building, this is a (producing picture) -

COMM. MASSELLI: You don't want that.

CHM. BUTTON: This is something we don't want to see. We don't want to see any pictures.

MR. MCKENNA: You don't want to see the picture?

COMM. MASSELLI: It has no bearing on -

COMM. HIGGINS: It presupposes a zone change.

MR. MCKENNA: I see.

CHM. BUTTON: I don't like this. I would rather you, you can show these to our Planning Director, if you wish.

MR. MCKENNA: Alright.

CHM. BUTTON: We don't want to see this. We don't want to be influenced by pictures. We're looking at the legal aspects of this primarily.

MR. MCKENNA: Well, I would, more or less, explain the type of building and storage and -

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COMM. MASSELLI: Which we don't want. We want reasons from you on why this zone, this Special Exception, should be granted, besides architecture and so forth.

MR. McKENNA: I see. Well, essentially, what I'm concerned with is the plans and the layout and construction rather than anything else at this moment.

CHM. BUTTON: I'm sure that you can have a discussion with our Planning Director.

MR. McKENNA: I will be happy to and give him any information and type of buildings and I am sure we can satisfy any requirements -

CHM. BUTTON: What we would be interested in hearing from you on this would be: How do you propose to have your entrance so that we're not, Washington Street, as you know, is a pretty congested street right now -

MR. McKENNA: Right, sir.

CHM. BUTTON: And anything that you might propose that would help to take your traffic off and on Washington Street without adding too much to this congestion would be appreciated.

MR. McKENNA: I see. I see. Alright. I can explain that, I think, briefly. Essentially, as you have on our plan up there, we have two entrances which have not yet been approved by the State. The State has control of this, I understand, but they have been laid out in accordance with their requirements. What we have is we have two fifty (50) foot entrances along Washington Street with an area in between. We have two pump islands laid out in the center of this area. Our entrance, of course, there is nothing in the front here to block visibility, so visibility on both areas is very good. Our setback is in accordance with State requirements which is thirty-five feet again.

Essentially, that's more or less it. We have a canopy here. We don't have any ground signs. We have a sign on top of the canopy so there will be no blocking of visibility by cars coming in and out of the approaches.

CHM. BUTTON: Do you - this may not be really pertinent, but do you advise your lessees, a lot of them will put a rack out with tires around near the road and so forth - do you try to persuade them not to do this? I mean this really is not my province. I'm just asking -

MR. MCKENNA: Yes. We try to persuade them not to do this. Of course, the gentleman who does operate this station is an independent operator, but we try to have them keep the front of the station open for visibility. That's the main thing, so people can get in and out of the station and, essentially, we're spending a considerable amount of money here to develop this location and we're going to do our best to guarantee, that it is maintained in our standards. So we do try to keep the station open in front.

MR. POSZE: May I -

CHM. BUTTON: Mr. Posze, do you have any questions?

MR. POSZE: Just one question. Is the size of the lot necessary for this operation? I see you have quite a bit of land behind the service station. Do you have any intended use for that land?

MR. MCKENNA: Not at the present. No, we don't. Actually, the lot depth is two hundred feet. Normally we don't require that depth, but it just happens to be the size of the lot involved. We usually develop back about one hundred fifty feet, so this would be, more or less, a buffer zone which we would not develop. We have no use for it.

CHM. BUTTON: Anything else the Commission would like to know from this gentleman? No. Well, thank you very much.

MR. MCKENNA: Alright, sir.

CHM. BUTTON: Would the other gentleman wish to speak? Do you wish to speak, sir?

ATTY. PARMELEE: May I have Mr. Clancy, real estate man from Texaco speak.

MR. CLANCY: Thank you. I'm Howard Clancy, real estate

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agent for Texaco. I listened to a couple of the questions that were asked, and I may be able to clarify them and be of help to you.

You asked two questions, sir, about the intention regarding the balance of the land. We have no intended usage of it at present. As you can see, most of it is, or a good portion of it is going to be used as a leeching field for drainage from the service station proper. Now, for that reason, the property was such that it was not possible to divide this off. The property to the rear is owned by somebody else. If we only took what we actually were needing for service station development, the rest of it would be landlocked. So we had no choice but to make our arrangements on buying this piece of property. We have no intended usage of it whatsoever.

Now, insofar as, I heard another question mentioned regarding stacking of tires and so forth, well, first of all, gentlemen, I'm certain you're familiar that all of the layout and the future usage of this property is under the control of a State agency, Motor Vehicle Department, who issues the license on this property. Now the State Motor Vehicle Department's regulations are such that no parking of vehicles, no such things as stacking of tires and so forth, which would obstruct visibility, is allowed by State Motor Vehicle Department regulations to the extent that license on this property is subject to cancellation by reason of any of the infractions such as you might be talking about, stacking of tires. I know where you've seen them. We don't like them. I wish the State Motor Vehicle Department many times would probably institute a little more stringent attitude regarding the policing of these rules and regulations because it certainly doesn't help us at all. We'd appreciate it, but nevertheless it is under State regulation and if it's anything of that sort, it would be in violation of State statutes and it would cause an actual loss of license, and we don't, wouldn't certainly look with favor on that.

Now, is there any other questions regarding safety? As far as the driveway cuts, they have been laid out in accordance with State Motor Vehicle Department regulations as well as the State Highway Department regulations. Now, the final

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jurisdiction on the final approval of the drive cuts will still remain within the realm of both departments before any service station could be erected on those premises.

COMM. MASSELLI: I note that there's a sewer adjacent to your property. You don't intend to use it then.

MR. CLANCY: A sewer adjacent to -

COMM. MASSELLI: Well, according to the letter from the Department of Public Works.

MR. McKENNA: Maybe I can answer that. I think at one time the intent was to put a leeching field out there, but we have determined by survey that there is a sewer available, and we'd like to tie into it if we possibly can. That's the most practical way of doing it.

CHM. BUTTON: Well, I guess that covers it.

MR. CLANCY: Okay.

CHM. BUTTON: Does anyone have any more to say about this petition? If not, I'll declare this hearing -

COMM. MASSELLI: Wait a minute. Wait a minute. Someone wants -

CHM. BUTTON: Excuse me.

MR. STEIN: My name is Stein, Theodore Stein. I'm a Middletown resident. I live at Paterson Drive. May I ask a question before I- Is it alright to ask a question?

CHM. BUTTON: No. You can say anything you wish, but we don't want any questions.

MR. STEIN: I'd like to oppose the requested Special Exception for the following reasons:

Number 1. There are a multitude of gas stations in that general area, particularly on this side of - what is it? Little River? - or whatever the stream is - the Coginchaug,

CHM. BUTTON: Coginchaug.

MR. STEIN: - through there. There are two new gas stations, at least two, I believe, across the street and a little bit towards Shop-Rite from this location. There's a Texaco station about three-quarters of a mile towards Meriden on Route 6A. I hardly see where Middletown needs another gasoline station along this already and, admittedly, heavily traveled, very congestion section of road. It's not particularly safe section of road as it is with all the commercial development and adding another entrance access place, particularly for a gasoline station which will have, if it does a good business, a very heavy flow of traffic, it seems to me something that we don't need. It's near, if I recall correctly, it's near a point where Route 6A bends to the south and the street comes in, which I have forgotten, past the Middletown Motel, which is not a particularly safe corner because of the heavy traffic and the nature of the intersection. I'm not a traffic expert, but when I travel there, I dislike that particular intersection when I'm coming out of it, that is on to Route 6A.

And, finally, inasmuch as I believe it's an accepted principle in gasoline marketing that the only way to expand one's sales is to steal your sales from someone else since automobiles, gasoline sales, depend on automobile usage and one does not create a new market for gasoline as one can say, create a market for rugs or furniture or meat or whatever it might be by getting people to consume more. They'll consume only what their car requires for the driving that they will do.

This will not really serve any particular purpose to Middletown's economy or to the public in Middletown or because of the availability of other gas stations, to the convenience of the public in Middletown.

CHM. BUTTON: Thank you. Does anyone else wish to speak on this petition? We don't need any rebuttals I think -

ATTY. PARMELEE: May I - if there are others -

CHM. BUTTON: There are no others wishing to speak.

ATTY. PARMELEE: May I speak to the remarks just made by the speaker?

CHM. BUTTON: I would rather you wouldn't.

ATTY. PARMELEE: You'd rather I wouldn't?

CHM. BUTTON: I would rather you wouldn't. We can consider all the remarks that are made, if it's within your permission.

COMM. HIGGINS: It's not a court case. No rebuttals. It's different.

ATTY. PARMELEE: I know.

COMM. MASSELLI: I think if he can show there was false information or if the information wasn't complete, that he should have the right to say so.

CHM. BUTTON: Make it brief.

CHM. HIGGINS: I believe that Mr. Stein dealt with economics which has nothing to do with a zone change anyway.

CHM. BUTTON: Well, alright, but let's not carry it further. Let's hear the facts and everyone's got a right to speak.

ATTY. PARMELEE: Just very briefly - I would surmise, and I think you can, based upon your experience, that another Texaco station probably will not draw five or six more people to the area on any given day. The business will come out of the people who live in the area and the people who travel in the area and who, very likely, are there for many or one or other different reasons. The fact that there is or is not additional competition I don't particularly think is pertinent to your considerations in considering this exception. I mean I can see where you would probably give it some consideration, but I think it will be a minor factor. In order not to belabor you this evening, I will close with that. Thank you.

CHM. BUTTON: Thank you. Anyone else wish to speak? If not, I declare this hearing closed.

The hearing closed at 8:10 P. M.

Respectfully submitted:


Edna M. Lichtenberg,
Recording Secretary

Edward F. Button, Chairman

EXECUTIVE SESSION - COMMISSION ON THE CITY PLAN
AND ZONING - WEDNESDAY - JUNE 12, 1968 - ROOM 202
- MUNICIPAL BUILDING - MIDDLETOWN, CONNECTICUT

CALL TO ORDER was made by the Chairman at 8:20 P. M.

ATTENDANCE

Present: Edward F. Button, Chairman
Philip M. Salafia, Vice-Chairman
Joseph W. Masselli, Secretary
John J. Higgins
Carmelo J. Mazzotta, Jr.
James Rolle, alternate member
Salvatore J. Lisitano, alternate member

Absent: Joseph P. Otfinoski, alternate member

Also

Present: Alex R. Posze, Jr., Director of Planning

BUSINESS

The following item was discussed and acted upon:


Salonia
(S68-8)

Commissioner Higgins moved, seconded by Commissioner Masselli, after review and discussion, that Final Approval be granted to the subdivision entitled, "Joseph, Sr. & Elsie B. Salonia". Vote--Ayes: Unanimous. Motion Approved.

ADJOURNMENT

The meeting was adjourned at 8:25 P. M.

Respectfully submitted:


JOSEPH W. MASSELLI, Secretary
Commission on the City Plan &
Zoning