

PLANNING AND ZONING COMMISSION SPECIAL MEETING JUNE 29, 1994, 7:00 P.M. PAGE 1 OF 4

Chm. W. Lee Osborne, Vice-Chm. Philip Halibozek, Sec'y Stephen P. Shapiro, Sebastian Passanesi, Ann Loffredo, Jennifer Alexander arrived at 7:05 P.M., Stephen Gadowski, Gerard Winzer, John Robinson

COMMISSION MEMBERS PRESENT

Anthony J. Vasiliou, Francis Patnaude, Mayor Thomas J. Serra, Ex-Officio, Dir. P.W. Salvatore Fazzino, Ex-Officio

COMMISSION MEMBERS ABSENT

Alternate Comm. Jennifer Alexander acted for Comm. Anthony J. Vasiliou

ACTING MEMBERS

William Warner, Planning Director, George Lapadula, Zoning Enforcement Officer

STAFF

Atty. Joseph Borkowski, Michael Augeri, John Cartelli, Carl Bolz, Arline Rich, Colin Poitras, George Souto, Carolyn Caprioglio, and a photographer from the Middletown Press

PUBLIC

The meeting was called to order in Room B-15. On motion and second by Comms. Shapiro and Robinson, the meeting was adjourned to Room 208 and a sign was posted on the door at 7:01 P.M. At 7:05 P.M. the meeting was called to order and reconvened in Room 208.

CALL TO ORDER

There is a tape recordings of the proceedings on file in the Planning and Zoning Department.

MEETING TAPE RECORDING

Comm. Stephen Shapiro read Agenda Items 1 and 2 into the record.

Atty. Joseph Borkowski summarized the problems and how the problems began with the apparent construction. Atty. Borkowski reviewed the Chronology of Events as prepared by the Planning and Zoning Office. He indicated the building is for the Nissan Dealership. There will be no new dealership. Atty. Borkowski read a letter into the record. Comm. John Robinson questioned the August 31, 1994 deadline for Nissan. Atty. Joseph Borkowski responded. Comm. Philip Halibozek questioned why the previous deadlines were missed. Atty. Borkowski responded. Comm. Ann Loffredo questioned the size of the building Nissan requires. Chm. W. Lee Osborne asked if Nissan reviewed the plans. Atty. Borkowski responded.

ITEM 1 GRANTED EXTENSION OF SPECIAL EXCEPTION AND IMPOSED FINE 720 NEWFIELD STREET MICHAEL AUGERI

Comm. John Robinson emphasized the previous action and requested how could it be a mistake. Atty. Borkowski felt it was a clear issue, either amend the plan or remove the building. Comm. John Robinson emphasized the special exception approval. The Chairman called for order outlines questioning the procedure. Atty. Borkowski reviewed the previous approval. He noted the building permit was issued in error. The plans did not in any way resemble the Planning and Zoning Commission approved plans. Atty. Joseph Borkowski explained the confusion over the two architects. The first architect and Michael Augeri had a falling out. Atty. Borkowski read the architect's letter into the record. Michael Augeri then hired a second architect. Confusion ensued. The second architect thought he had more latitude. Atty. Borkowski continued to explain the problems, such as putting in a larger showroom. There was no intention to hide or misrepresent. Atty. Borkowski read a letter from Lawrence McHugh into the record, who indicated that Michael Augeri is a large employer who has a long time business. Chm. W. Lee Osborne questioned the Chronology and when the second architect was hired. The timing of the building permits was also questioned. When were the second Architect's plans submitted? Discussion ensued. A copy of the building permit was distributed. Comm. Philip Halibozek commented on the building permit and noted that the permit was issued for a much larger building within two weeks after the Planning and Zoning Commission approval. Lengthy discussion ensued regarding the issuance of the building permit. Comm. Stephen Shapiro comments on the administrative problems. Chm. W. Lee Osborne clarified and asked to address only the issues before the Commission. The Chairman noted the amendment to the original approval to require any changes to go back before the Planning and Zoning Commission. Michael Augeri explained that the building will be just a showroom and offices and the confusion over the architects. Atty. John Cartelli asked to look at the reality of the situation and the facts. He attempted to summarize. Comm. Philip Halibozek emphasized the need to follow the procedure and felt that the building should come down. Chm. W. Lee Osborne asked why the plans were different. Discussion ensued. The Chairman asked Atty.

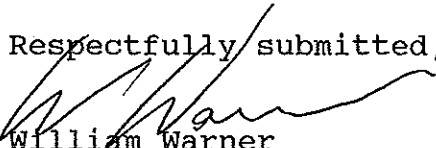
Borkowski on how to proceed. Atty. Borkowski felt it should be taken case by case. Atty. John Cartelli spoke of the reputation of Michael Augeri and indicated there was no reliance on the city departments. Michael Augeri will comply with all future construction. Comm. Philip Halibozek noted that the work was under construction on Monday. Comm. John Robinson questioned Nissan requirements. Michael Augeri responded. Atty. John Cartelli responded. Lengthy discussion ensued. Comm. Jennifer Alexander questioned the options. William Warner comments on the possible options. Chm. W. Lee Osborne asked that a public hearing for the proposal be scheduled and that the overhang be removed. Atty. Joseph Borkowski explained the possible change in the overhang. Chm. W. Lee Osborne threw out another option. Discussion ensued. On motion and second by Comms. Ann Loffredo and Philip Halibozek the Commission recessed. Comm. Stephen Shapiro moved to extend the Special Exception to allow the continuation of the 70' by 90' section, not including the canopies and to come before the Commission for the remainder with a public hearing. There also should be a two day fine for failure to comply with the cease and desist order. The applicant consented to the public hearing for the next possible meeting. Comm. Philip Halibozek disagreed with the motion. He emphatically felt that there should be no construction until the public hearing. Comm. Stephen Shapiro commented. Chm. W. Lee Osborne questioned the STC permit. Atty. Joseph Borkowski responded. Discussion ensued. The fine was discussed and was determined to be \$250 per day for two days, collectable before any work resumes. The motion was amended to allow the continuation of the 70' by 90' section, a fine of \$500 and that plans be submitted for site plan approval for public hearing at the next possible meeting. Comm. Philip Halibozek was opposed. Comm. Halibozek moved that there be an investigation through the Mayor's Office of the flaws in procedure. Comm. Ann Loffredo moved that the City Attorney Trina Solecki handle the investigation. Comm. John Robinson seconded. The motion passed with seven in favor and Comm. Stephen Shapiro opposed.

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On motion and second by Comms. Philip Halibozek
and Stephen Gadomski the Commission adjourned.

ADJOURNMENT

Respectfully submitted,


William Warner
Director of Planning