

Chw. Annabel Resnisky, 2nd Vice-Chm. Leslie Adams, Jr., Judith Pehota, Anthony Szalkiewicz, Sara Vecchitto

BOARD MEMBERS
PRESENT

Martin Reardon, Evelyn Russo, Sheila Walsh

BOARD MEMBERS
ABSENT

William Warner, Director

STAFF

There were approximately twenty members of the public.

PUBLIC

On motion and second by Board Members Anthony Szalkiewicz and Leslie Adams the Board approved the minutes of the June 6, 2002 meeting. Vote was unanimous.

ITEM 2.1
APPROVED THE MINUTES
OF THE 6/6/02 MEETING

Atty. Michael Dowley made a presentation in support of the Haftel appeal. William Warner made a case in support of the decision by the Zoning Enforcement Officer. Carl Haftel spoke in support and explained the history. From the public, C. Sanford spoke in opposition, indicated that he had bought a wet lot, that it was too bad that they were trying to circumvent the system and questioned the letters. D. Ruimerman spoke in opposition, explained the wetlands and previous planning and zoning applications and explained that he knew he bought wetlands as the taxes were reduced due to the wetlands. Lisa Czaja commented on the letters of support that Mr. Haftel had submitted and indicated that Mr. Haftel had prepared the letters. M. Czaja indicated that Mr. Haftel said the halfway house would expand if they didn't sign the letter. C. Rook verified what Lisa Czaja said and indicated that Mr. Haftel said he was going to give them the land so they could build "a halfway house with drug addicts everywhere". A member of the public commented on the purpose of zoning. Atty. Michael Dowley and Carl Haftel rebutted. William Warner concluded. Board Member Sara Vecchitto felt other procedures were not followed. On motion and second by Board Members Leslie Adams and Anthony Szalkiewicz the Board upheld the decision of the Zoning Enforcement Office regarding a request for a zoning permit to build a single family home on a new lot located on Sand Hill Road. Vote was unanimous. Applicant/agent Carl Haftel/Atty. Michael Dowley ZBA2002-3

ITEM 3.1
UPHELD A
FINDING BY
THE DIRECTOR OF
PLANNING, CON-
SERVATION AND
DEVELOPMENT AND
THE ZONING EN-
FORCEMENT OFFICER
REGARDING A RE-
QUEST FOR A ZONING
PERMIT TO BUILD A
SINGLE FAMILY HOME
ON A NEW LOT LOCATED
ON SAND HILL ROAD

Atty. M. Salsbach explained the location of the Borrelli home and submitted pictures of the horses and manure boarding. He also submitted agreements and other financial agreements to board the horses and a letter

ITEM 3.2
UPHELD A
FINDING BY THE
ZONING ENFORCEMENT

Board of Health. Atty. Salsbach read the Borrelli complaint letter and the decision into the record. He felt Section 61 of the Zoning Code applies. Ronald Borelli pointed out the former ownership. Stephanie Borelli commented on the process. Board Member Leslie Adams had questions. William Warner stated a case that indicated that animal husbandry is considered agriculture. Atty. Bonye Barone stated the case for the Hills, the relevance of contamination and the fact that this is a boarding facility, which is permitted. Atty. Barone referenced the state statute definition of agriculture and Section 8-2 and discussed zonings value of agriculture. Lengthy debate and discussion ensued. E. Hills commented on the method of operation. Atty. Bonye Barone continued on horseboarding. Board Member Leslie Adams questioned stud service. Frank Rak pointed out the location of his property and spoke in support of the Hills operation. D. Wasserman, a boarder since 1999, indicated that the Hills take care of their horses. G. Johnson spoke in support of the Hills operation. Ron Borrelli commented on the loss of privacy and manure piles. E. Hills responded on the compost pile and indicated that the Department of Environmental Protection had okayed the compost operation. On motion and second by Board Members Leslie Adams and Judy Pehota the Board closed the public hearing. Vote was unanimous. Board Member Anthony Szalkewicz feels that zoning has already determined it is allowed. Board Member Leslie Adams commented on the farming operation, feels it is very well done and feels it should be allowed. Board Member Judy Pehota feels they are not providing care. Board Member Leslie Adams indicated that providing shelter is providing care. Discussion ensued on the need to focus on zoning. A motion to uphold a finding by the Zoning Enforcement Officer regarding operation of an alleged commercial horse livery stable at 772 Brooks Road was made by Board Member Anthony Szalkewicz and seconded by Board Member Leslie Adams. Chw. Annabel Resnisky questioned the Health Department's concerns over the wells. A roll call was taken. Board Members Sara Vecchitto, Anthony Szalkewicz and Leslie Adams were in favor with Board Member Judy Pehota abstaining. Chw. Annabel Resnisky voted after lengthy discussion in favor of upholding the decision. Applicant/agent Ronald and Stephanie Borrelli ZBA2002-4

Guy Russo, the Director of the Water and Sewer Department, commented on the landscape issue from the previous meeting. Atty. John Corona indicated that

OFFICER REGARDING
OPERATION OF AN
ALLEGED COMMERCIAL HORSE LIVERY
STABLE AT 772 BROOKS
ROAD

ITEM 3.3
GRANTED A
VARIANCE TO

a final decision has been reached and that Ms. Scotti had no objections. No one from the public spoke. On motion and second by Board Members Anthony Szalkiewicz and Leslie Adams the Board closed the public hearing. Vote was unanimous. On motion and second by Board Members Anthony Szalkiewicz and Judy Pehota the Board granted a variance to Section 38.03 with regard to the lot coverage for construction of a water pump house at the northwest corner of Newfield Street and Tuttle Road as part of a project to provide the City with an emergency source of drinking water with the landscape plan. Vote was unanimous. Applicant/agent Middletown Water & Sewer Department/Milone & MacBroom (N. Burnham) ZBA2002-8

Stephen Coladonato explained the request. A. Cuzziech spoke in support. William Warner commented. On motion and second by Board Members Anthony Szalkiewicz and Leslie Adams the Board closed the public hearing. Vote was unanimous. On motion and second by Board Members Anthony Szalkiewicz and Leslie Adams the Board granted location approval for sale of used cars under G.S. Sec. 14-54 at 649 Main Street in the B-1 zone. Vote was unanimous. Applicant/agent Stephen S. Coladonato ZBA2002-14

Atty. Michael Dowley explained Nissan's proposal to sell used cars and eventually there will be a new car dealership for Nissan. D. Calabrese, the owner, explained the history. Board Member Leslie Adams questioned the used cars. On motion and second by Board Members Leslie Adams and Judy Pehota the Board closed the public hearing. Vote was unanimous. On motion and second by Board Members Leslie Adams and Anthony Szalkiewicz the Board granted location approval for sale of new and used cars under G.S. 14-54 at 1153 Newfield Street in the NPC zone. Vote was unanimous. Applicant/agent 1153 Newfield Street/Middletown LLC/ Michael F. Dowley & Associates ZBA2002-12

Atty. Michael Dowley explained the request for a variance. Discussion ensued on flat roofs, financing and proposed structures. On motion and section by Board Members Anthony Szalkiewicz and Leslie Adams the Board closed the public hearing. Vote was unanimous. On motion and second by Board Members Leslie Adams and Anthony Szalkiewicz the Board granted a variance to Section 21.01 with regard to the building height requirements for a proposed gabled roof facility at Luther Ridge, 628 Congdon Street West. Vote was unanimous. Applicant/agent Lutheran Social Services/Michael F. Dowley ZBA2002-13

SECTION 38.03 WITH REGARD TO THE LOT COVERAGE FOR CONSTRUCTION OF A WATER PUMP HOUSE AT THE NORTHWEST CORNER OF NEWFIELD STREET AND TUTTLE ROAD AS PART OF A PROJECT TO PROVIDE THE CITY WITH AN EMERGENCY SOURCE OF DRINKING WATER

ITEM 3.4
GRANTED LOCATION APPROVAL FOR SALE OF USED CARS UNDER G.S. SEC. 14-54 AT 649 MAIN STREET IN THE B-1 ZONE

ITEM 3.5
GRANTED LOCATION APPROVAL FOR SALE OF NEW AND USED CARS UNDER G.S. 14-54 AT 1153 NEWFIELD STREET IN THE NPC ZONE

ITEM 3.6
GRANTED A VARIANCE TO SECTION 21.01 WITH REGARD TO THE BUILDING HEIGHT REQUIREMENTS FOR A PROPOSED GABLED ROOF FACILITY AT LUTHER RIDGE, 628 CONGDON STREET WEST

There was no Old Business.

ITEM 4
OLD BUSINESS

There was no New Business.

ITEM 5
NEW BUSINESS

The Board adjourned at 7:00 P.M.

ITEM 6
ADJOURNMENT

Respectfully submitted,
William Warner
Director of Planning, Conservation and Development