

Paul P. Parisi, Chairman; Dr. Eric G. Lowry, V-Chm; Cos Giuffrida, Secretary; Vincent J. Loffredo; Dr. Christie E. McLeod; Seb. J. Passanesi; Ralph Shaw II;

COMMISSION MEMBERS PRESENT

George L. Augustine; Daniel Z. Shapiro; Conrad J. Tyaack.

ALTERNATE MEMBERS PRESENT

Robert F. Chamberlain; Mayor Marino

COMMISSION MEMBERS ABSENT

George A. Reif, Director; Catherine V. Raczka, Assistant Director; Althea Rinaldi, Secretary; Florence Pelc, Transcribing Secretary.

STAFF

Phil Bauer, Engr. Public Works Dept.; Kim Smith, reporter Middletown Press; Ron Winter, reporter, Hartford Courant, and approximately 30 people in the audience.

OTHER

CHAIRMAN PARISI:

I will call the meeting to order. Tonight is the public hearing night. Unless there is a special request from any of the applicants before the meeting it is the normal policy of the Commission that ~~items~~ heard on the public hearing on the first meeting of the month the earliest the decision would be rendered would be at the second meeting of the month, unless there would be a request that the Commission waive it's normal policy. I will ask the secretary to read the Legal Notice and the first Item on the agenda.

SECRETARY GIUFFRIDA:

THE MIDDLETOWN PLANNING AND ZONING COMMISSION WILL HOLD A PUBLIC HEARING JULY 12, 1978 STARTING AT 7:30P.M. IN THE COUNCIL CHAMBER MUNICIPAL BUILDING, DEKOVEN DRIVE, MIDDLETOWN, CONNECTICUT, to consider the following:

ITEM I Application for a Special Exception for a private club, for the Ancient Order of Hibernians, Old Westfield Fire Station located at 32 Miner Street., an R-1 Zone. Applicant Gerald E. Daley.

ITEM I S.E. FOR PRIVATE CLUB OF THE ANCIENT ORDER OF HIBERIANIS. APPLICANT GERALD E. DALEY

CHAIRMAN PARISI:

This notice appeared in the Middletown Press on Saturday July 1, and on Saturday July 8, 1978. Gerry, are you here for this application?

PHILLIP KARPEL:

Mr. Chairman, my name is Phillip Karpel and I am an attorney with the law firm of Dzialo, Pickett, and Allen and I'm one of the few non-Irish Attorney's with Dzialo, Pickett, and Allen representing the Ancient Order of Hibernians in this application. We are going to be very brief. I think that our application is fairly well complete and meets.... the site plans and I believe it will disclose that we have complied with the regulations and the criteria set forth in Section 44, in particular 44.08.05. In addition our site plan shows the required number of parking spaces that is required under the zoning regulations. Mr. Gerry Daley is here with me and he's the President of the Hibernians and also in attendance but will probably won't have any comments to make are several members of the Ancient Order of Hibernians and several members of the Westfield Fire District, the present owners of the land. The Hibernians have a contract to purchase this land, on condition of the exceptence of this application. I'm going to ask this Commission if it would consider acting on this application this evening for a special reason. It is my understanding that quite recently this Commission voted to amend the zoning regulations and in particular to amend the use schedule so as among other things, to delete private clubs as a specially permitted use in the R-1 zone. It is also my understanding that at the time this Commission acted it had before it the present application, was aware of it and I don't mean to interpret the Commission's meaning but I have been lead to believe by discussions with others that the Commission did not entend to forclose the present application. Our special problem is that in accordance with the legal research I have done on behalf of my clients its my considered opinion that at such time that as your amendment becomes effective you no longer have the power to grant this special exception. It is also my opinion that the amendment is not effective. It is my understanding it was published on July 3 without a specified effective date which would mean by law it becomes effective automatically fifteen days of publication, which would be July 18, well within the two week period from tonight when you would have your next meeting. Now I don't purport to hold myself out as the final legal answer to that question of the Commissions power to act after the effective date of the amendment. I will say that in my considered opinion as an attorney I feel that you will create an insurmountable problem if you act on this application after July 18. Therefore I've

taken the liberty to prepare a form of a motion for approval. I don't want to appear as if I'm usurping your authority obviously, I'm simply requesting that if you do act this evening that in approving this you make reference as I have said in my proposal for approval to the fact that it is your intention to approve this application pursuant to the use schedule in existence today which would be the one that would permit private clubs. Naturally if the Commission sees fit to deny the application its moot what language he uses. I am going to submit my proposal and I'm not asking that verbatim be adopted, I simply ask that someone pay attention some of the language that I have added with respect to notation being made for the record that the amendment to the zoning regulations recently approved the leading private club use is not yet effective and accordingly if this application is approved it is done so pursuant to existing regulations which would allow it and without further adue, I think that Mr. Daley has a few comments and we will be glad to answer any questions that you might have.

GERRY DALEY:

For the purpose of time I will limit my comments in explaining what the Ancient Order of Hibernians is, and then if there are any questions I'd be happy to answer them. The Hibernians in Middletown were initially founded back in the eighteen hundreds. The existing charter dates back a number of years, before I was even born. Basically the club operates as an Irish Catholic Religious and Social Club. We support a number of charitable ventures and basically we have several major social events in the course of the year. Presently we meet at the St. John's Community Center and it's the strong feeling of the majority of the club members that we are in need of a club house facility. We generally get about 20 members at a normal meeting, and we have about a hundred due paying members at the present time. The proposed use at the old fire house would be as a club operating mainly in the evenings as a social club and that really is the extent of what I have to say, unless you have any questions. Time is of the essence as Attorney Karpel has said. We do have a number of approvals that are necessary before we can conclude the purchase and I believe it is imparative as far as the point of view of the Westfield Fire District to proceed as quickly as possible, and that is our desire as well.

CHAIRMAN PARISI:

Gerry, how much space is there in the fire house building? What is the square footage of it?

GERRY DALEY:

I don't have the site plan in front of me but....

CHAIRMAN PARISI:

How much parking do you provide?

GERRY DALEY:

I believe there is 28 spaces and the square footage is..... I calculated out would call for 21 spaces. So we exceed the requirements of the Code.

ATTORNEY KARPEL:

In addition there is 28, 10 by 20 parking spaces indicated using only a portion of the land. There is an unpaved large portion of land, 100 feet in width and approximately 100 feet in length that could be used if it became necessary. The building itself has been plotted to be 46 feet by roughly 61 feet, but it is two stories, excuse me, half of it is two stories so its difficult to calculate the square footage.

CHAIRMAN PARISI:

I assume at some point that if you get the approval you are going to buy it. Are you going to remodel it to some extent obviously?

ATTORNEY KARPEL:

We have been working with the building department to determine what will be required by law and the club itself has been determining what it needs .....will require itself. The lot size is 148 along the road frontage by 275 approximately. It differs, its 277 on one and 270 on the other side, and 102.5 in the rear. There's a copy I believe of it on the map.....on the easel there.

CHAIRMAN PARISI:

So what is next or.....are there private homes on either side ....or nothing.

ATTORNEY KARPEL:

No. It's funny because I'm from the immediate area and I'm trying to think, I know that on one side it's obviously open that's the back of the new fire house , it comes down.....as you face the fire house to your left I believe there's no immediate home and there is nothing across the street, but there

are houses in the vicinity, on that street.

COMM. PASSANESI:

There's nothing to the west I believe.

ATTORNEY KARPEL:

Correct. The church property I don't think is adjacent. I think that there is an intervening land owner.

GERRY DALEY:

There is a wooded area and a house between the old fire house and the Third Congregational Church. There is also a stream which separates the fire house property from the wooded lot.

CHAIRMAN PARISI:

Are there anymore questions from the Commissioners?

OK. Thank you.

Is there anyone from the public wish to speak in favor of this application?

GERRY DALEY:

Would you like the members to come up and speak for the record?

CHAIRMAN PARISI:

That's up to you. Obviously we know that the members are in favor of it, otherwise you wouldn't be here.

If not, is there anyone who wishes to speak in opposition?

Ok then we will close this portion of the public hearing.

I'll ask the secretary to read the next item on the public hearing.

SECRETARY GIUFFRIDA:

ITEM 2

ITEM 2. Application for a special exception for a Day Care Center at 259 Ballfall Road, an R-1 zone, by Frank Tarallo.

APPLICATION FOR A S.E.  
FOR A DAY CARE CENTER  
AT 259 BALLFALL RD. AN  
R-1 ZONE. BY FRANK  
TARALLO.

CHAIRMAN PARISI:

Who is presenting this application?

FRANK TARALLO:

My name is Frank J. Tarallo, applicant for this Day Care Center at 259 Ballfall Road. It involves taking our basement and converting it into a day care center. Our lot area is approximately 100 feet by 200 feet. It has two levels which is appropriate for the children as we intend to close in an area of approximately 75 feet by 200 feet for outdoor activity. Indoors the interior area

will allow for 20 square feet per child and the exterior area will allow 75 square feet per child. The law provides for ....(Inaudible) for every 15 children and we have that. We do have a...underneath a double garage concept which we will eliminate in order to accommodate the area for the activity. And that is the reason we have ask for a varience so that we may move the garage area of the interior of the bottom floor to an adjacent attached to .....(Inaudible) which faces Sisk Street. Is that clear to you? So that is our request, and if there are any questions I'd be happy to answer them.

COMM. PASSANESI:

Were you actually proposing an addition.....

FRANK TARALLO:

Yes, in order to accommodate...to make it large for the interior area.

COMM. PASSANESI:

Your planning to build a separate garage.

FRANK TARALLO:

Yes, attached to the house. Looking at the house from Sisk Street it will be to the left,

CHAIRMAN PARISI:

Why don't you go up to the map and show us.

FRANK TARALLO:

Ok.

This is Sisk Street here. Now the house...this is the front of the house here on Ballfall Road and this is the proposed addition where the garage will be. Right now it's underneath the house. So what we would like to do is attach the garage to the house over to the left which will leave an entrance area on the right into this area here, this will be a walk way with a door leading into the area and over here we'll have a double door that will lead out into the play area which is to this vicinity here. The play area will be approximately 75 feet in depth and approximately 150 feet in length. That we be enclosed with a.....(Inaudible) so that the children will be secured in an area of play. Are there any questions?

CHAIRMAN PARISI:

How deep is your lot.....

FRANK TARALLO:

This is 200 feet here, along Sisk Street it runs 200 feet here 200 feet here and 100 feet here. Now the distance between our house and the Matthias's is approximately 185 feet. I have here a whole line of pine trees, about 20 feet tall, which is a barrier. And as the children are outdoors they will not be seen, maybe they'll be heard a little bit but not seen. They are protected and they will be doubly protected because there will be a fence in front of the line of trees. Also enclosed in this part and here (pointing to map.) As I explained before, the parents will drive in here leave their children off here, walk in here through the door here, and walk in the doors.

MR. REIF:

Frank your describing something that is very attractive but it doesn't show on the plans. That's one of the thing that I have criticized that it doesn't show ....your plan doesn't show where the play area is, it doesn't show where the driveway is it doesn't show the fence. Anyone looking at that drawing doesn't know.....

FRANK TARALLO:

Well I can correct that..... I can add that if it's necessary.

COMM. SHAW:

Is there a dimension on that, how far the house sits back on Ballfall Road?

FRANK TARALLO:

Yes, the house sits back 40 feet.

COMM. SHAW:

From Ballfall? Isn't there a line there..... I can't read it... How deep is the house?

FRANK TARALLO:

It's 40 feet. The house is 26 feet deep.

COMM. SHAW:

OK. That's 66 feet. Now your going to have a 75 feet play area, Alright we are now back 140 feet.....60 feet back, to the back line. Your drawing a very small area.....I'm trying to visualize how much of the property is taking up in play area.

COMM. SHAPIRO:

How many students do you expect to have?

FRANK TARALLO:

Approximately...we are going to start off with 15 children , and not more than 30.....(Inaudible) to the square footage.....there's a limit..... 1,008 feet internally.

MR. REIF:

I noticed you have that figure 1,008 feet, is that all suppose to be on the basement level.

FRANK TARALLO:

Yes.

MR. REIF:

Alright. But if you multiply those two together you don't get that figure.

FRANK TARALLO:

OH. You got 26 by 44. No. I'm sorry it should be 1,008 instead of 1208, I'm sorry.

MR. REIF:

My only complaint is the drawings are.....

FRANK TARALLO:

I'm sorry, it's 1,008 square feet. I forgot to mention the fact that that area is taking up the bathroom and the wash basin and .....that was the wrong figure.it's 1,008 feet. .

CHAIRMAN PARISI:

Does anyone have anything else.  
George do you have anything there.....

MR. REIF:

Well we have some comments from .....the major comments are from public works and they back up what I have been trying to suggest is that the drawings are incomplete and inaccurate. Lets say they .....submitted....The map as submitted was based presumably upon a plot plan used for the original building permit and does not reflect the true and accurate location of the building on the lot. Therefore, it would seem that a true and accurate map should be submitted for a proper site review and

before any alterations or additions to the existing structure are permitted.

And you might carry that same theme through to the ..... same consistencies on the inside. That's the only comment we've gotten back from anybody.

CHAIRMAN PARISI:

Now this has to be licensed by the State of Connecticut in order to use it for a Day Care Facility.

FRANK TARALLO:

It does.

CHAIRMAN PARISI:

Do you have a State license?

FRANK TARALLO:

Not yet, no

MR. REIF:

I don't think they can get a State license unless the local Planning and Zoning approves .....you could build a garage without the Planning and Zoning Commission's approval, that's an accessory use of the house. I also want to mention, you mentioned the word variance, what is this you are talking about.

FRANK TARALLO:

We are taking the garage from out underneath the house and placing it out.....

MR. REIF:

This doesn't have anything to do with a variance.

FRANK TARALLO:

I'm sorry. This here we did get from the public works by the way.

MR. REIF:

Your talking about the topography.

FRANK TARALLO:

No the plot plan and also the placement of the house itself. That was given to me by the public works. I had a copy made of it.

MR. REIF:

Well when they saw it again and looked at it they claimed they are not the authors of it.

FRANK TARALLO:

I can make a revised copy of that according to the records and make sure it is the correct one. I thought that one was.

CHAIRMAN PARISI:

I would suggest Frank that you get a correct copy or hire someone to get you one.

FRANK TARALLO:

I don't understand. I don't understand why it doesn't conform to....in what respect?

MR. REIF:

There is no way that the Planning Commission can answer that question. I'm reading a comment from the public works department and they are the ones that question the authenticity of the drawing.

COMM. AUGUSTINE:

Is that map scaled George or not.....

MR. REIF:

You'll have to ask the proponent, I don't know.

FRANK TARALLO:

This was done by a Mr. White who is now deceased, the person that we bought the property from and he sent a surveyor to our area before we built and placed a house in that area there, right there.

COMM. SHAW:

What your saying is that it didn't get placed exactly in the same plot plan indicated. That can happen, because it happens often. The final result is not the plan .....

FRANK TARALLO:

I will pursue that and make sure there is a right...  
a correct plot plan.....where the house is located.

CHAIRMAN PARISI:

Does anyone else on the Commission have any questions?  
Does anyone wish to speak in favor of this proposal?  
Is there anyone who wishes to speak in opposition to  
the proposal?

PHILIP KARPEL:

Mr. Chairman my name is Philip Karpel and I reside at 62 Sisk Street which is about four house down from the corner of the intersection of Sisk and Ballfall where the subject property is located. I'd like to start by saying I'm speaking on the opposition side of the call, not in opposition but simply to ask certain questions and since I don't favor it I don't suppose I should speak .....

I'd like to know for my own benefit because I have reviewed the application simply because concern an area so close to my house. What was proposed and I just can't figure it out. I have listened to the dimentions and as I understand the regulations under the special exception regulations you require 35 square feet of interior space per child and....for play space and exterior 100 square feet per child. So if you start doing some of the math the 75 by 100 foot exterior play space is only going to accommodate approximately 11 children. I point it out because as I say I'm not opposed to this particular use, as long as we carry through the regulations and it's done properly and for Mr. Tarallo's own benefit I suppose if he's got the necessary space he should show it on the map so that he doesn't run into a problem. The same thing of the interior, there's two maps shown, one is a map I think it's been referred to.....as coming from the public works department is what appears to be and I don't know is a tipical builders map plot plan sent to the building department to get these building permits prior to house being constructed. So whether or not the house is as the dimentions show and as the location is shown is anybody's guess at least what has been presented to the Commission.

I'd also might check the dimentions. They differ from map to map. One of them shows the foundation size 24 by 3 width times 42 by 3 length and another one shows 44 by 24 and Mr. Tarallo's says that it's actually 26 feet in width. I think that it becomes important because you have to count spaces. We should know what is being proposed. I also would like to know I don't know what's been done in the past, but in approving this....something like this does this Commission but in approving something like this Commission limit the number of children based on the spaces shown or simply make a finding of the square footage interior play space and exterior play space and leave the mathematics to whoever may come next? Also whether the toilet was on the first floor.

I presume he meant the basement level, the first floor of the structure as opposed to the upstairs. I say that because you can't tell if the toilet shown on that map is proposed or existing. And as I say, I don't know the answers to the questions but I emphasize I don't oppose the concept the use of this property for that particular use. Thank you.

CHAIRMAN PARISI:

Is their anyone else who wishes to speak in opposition on this application. If not then we will go to the next item.

SECRETARY GIUFFRIDA:

ITEM 3. Application for a special exception to construct a three unit dwelling residence on Cross Street, an R-3 zone, by John G. Rak.

ITEM 3

APPLICATION FOR A S.E. TO CONSTRUCT A 3 UNIT DWELLING RESIDENCE ON CROSS ST. AN R-3 ZONE, BY JOHN G. RAK

CHAIRMAN PARISI:

Who is here to present this application? Nobody. Is there anybody here representing Mr. Rak? No? George what do we do now?

MR. REIF:

I think that we can record the fact that the application was heard by the secretary and noone appeared and basically nothing more than a building unit with three building units proposed. The owner proposes to live in one and rent out the other two. The reason it is before the Commission is that the Zoning Code requires that a three or more family dwelling unit receive a special exception before it's constructed. If this was twenty dwelling units they'd have to come before you.....He meets all the requirements in terms of where the sites ....set backs, parking and all those things. The public works department has called your attention to the fact that the site line from the driveway is .....a curve on Cross St. in that location. However, obviously not much worse than any other driveways. That's about all that one can say about it.

CHAIRMAN PARISI:

Is there anyone who came to the meeting who would like to speak in favor of this application?  
Is their anyone who came to speak in opposition? If not we will go to the next item.

SECRETARY GIUFFRIDA:

ITEM 4

Item 4. Application for Natural Resources Extraction at 1801 Country Club Rd. an R-1 zone, by Bennett Petrosky.

APPLICATION FOR NATURAL RESOURCES EXTRACTION AT 1801 COUNTRY CLUB RD. BY BENNETT PETROSKY.

CHAIRMAN PARISI:

Who is present to present this application?  
Please state your name and address for the record.

ATTORNEY IODICE:

My name is Attorney Frank Iodice, 15 High School Ave. Meriden, Connecticut representing Mr. & Mrs Bennett Petrosky. The application was made in accordance with Section 41 of the Zoning Code. We followed the precedures set forth in section 41.05. We have conformed with the application process as required in section 41.06 and as far as the criteria during extraction is concerned is set forth in section 41.07. We shall comply with all the requirements under that heading. As to the criteria for....in section 41.08 we well comply with that section. Compliances assurances which provides for the bonds we are going to do so as in section 41.09. We believe we have supplied the bases for approval under section 41.10. The approval time period of one year would be plenty of time as far as work is concerned. And the application fee in section 41.12 has been paid. As to exactly what we propose to do, this property is located on Country Club Road.

I don't know if some of you Board members were here when we did come in for this....not this same property but the adjacent property, I'd say three or four years ago and at that time we landscaped this area here which is on the right hand side of the map. That was completed and in this application we propose to landscape too this area in a circle, here (pointing to map). If you recall this map was drawn up in 1974 and this revision was made this year. At the time this map was draw up in 1974 there was a barn located in this area, it's marked off with two x's. That has been torn down. So all we have is a stone foundation. Looking at the contour it's kind of hard to picture it on this map but there's a .....of dirt right around this area here and if you look at that this contour here to the side of the word revised it's 280 feet whcih is.....285 feet which is below --Grady. That's your highest point and it goes down to approximately 250 to 260 feet from this area here. What we propose to do is to grade from.....say 100 feet from the house which includes the former barn area and we propose to take that hill down and gradually slope it.....along this area here.

CHAIRMAN PARISI:

What are you taking outtrap rock or just.....

ATTORNEY IODICE:

Gravel and some fill.....

MR. REIF:

It looks like your picking up the contour that runs right through the Petrosky house.

ATTORNEY IODICE:

You'd have to see it to.....

MR. REIF:

Do you think this will finish up.....will this end for this century at least all of the taking of gravel in that location?

ATTORNEY IODICE:

You wouldn't want us to do that now would you (laughter). We might be back again depending what occurs but I think basically this is what we intended to do. We had to do it in two stages, there are no other mounds here. This area here is very low (pointing to map).

COMM. PASSANESI:

So your proposing therefore to remove all of this.

ATTORNEY IODICE:

No No. Just around that circle (pointing to map).

COMM. PASSANESI:

It says 285 down to 255, now that's 30 feet.

ATTORNEY IODICE:

Well yes, I didn't know exactly where you were pointing. Right here is a big mound.

COMM. PASSANESI:

You have also a new contour line at 250 that's coming down all the way to here.

ATTY. IODICE:

It's presently pretty close to that now because it's got that little cliff there.

COMM. PASSANESI:

So what are you going to do with it, regrade it or what?

ATTY. IODICE:

We are going to start from this grade level here and gradually slope it down. We did the same thing here in this area here.

MR. REIF:

Obviously this is the finished and new proposed grade.

COMM. PASSANESI:

Yes but that means coming over here to this right hand lower portion and actually regrading this.....he shows the contours is he going to regrade that and seed it and .....

MR. REIF:

They have to under the regulations.

COMM. PASSANESI:

I'm not getting an answer here. My question is your work is going to be confined in this area here, are you in fact going to do work in this area too?

ATTY. IODICE:

NO, because that's the present contour.

COMM. PASSANESI:

But you indicated.....

MR. REIF:

It's another.....problem in the drawing.....

ATTY. IODICE:

I'm pretty sure that's the present contour.....and remember we've done this three or four years ago.....

COMM. PASSANESI:

I think you ought to clarify your drawing, it's just a recommendation.

MR. REIF:

We've had a consistant problem with drawing inaccurgcy in the last couple of....and your going to see more.

CHAIRMAN PARISI:

Are there any more questions from the Commission?  
George do you have anything?

MR. REIF:

There is one thing that you have to tell us or at least tell us the area involved because the bond is based on the area that your going to disturb. So that's why it's very

important for your benefit to identify the area that your going to be removing.

ATTY. IODICE:

The revised grading plans....the area and I believe that other ....line was there on the entire map.....

MR. REIF:

That's why it's important to have accurate maps.... haste makes waste.....

COMM. SHAW:

We had a great deal of problems with this the last time around and we finally had to basically force the issue of the final grading done and what not.....

I would be very reluctant to act on this in any way, in fact I almost feel that it shouldn't of been accepted as an application based on the material that we have seen here.

I believe that we need completely new engineers drawings of what's going to be done.

ATTORNEY IODICE:

How will that be helpful to you Mr. Shaw?

COMM. SHAW:

That certainly doesn't tell us anything, as Comm. Passanesi has pointed out. The lines arn't here which indicate the changes of grades and your telling us arn't going to be done.

ATTY. IODICE:

We are willing to revise that.

COMM. SHAW:

It has to be more than revised. It has to come in writing as far as I'm concerned.

ATTORNEY IODICE:

We'll do it correctly and these heavy lines that are here won't be there anymore. You mentioned previous problems Mr. Shaw, will that effect your decision.

COMM. SHAW:

It might.

ATTORNEY IODICE:

I was wondering why.

COMM. SHAW:

This is not a question and answer period.

ATTORNEY IODICE:

We did have problems with this before because of the particular (Inaudible) involved. We didn't have any problems with the Petrosky's at all. Mr. Petrosky is making this application. We have a construction Company willing to take some of this dirt out for their use and they will.....

CHAIRMAN PARISI:

Please speak into the mike, she's not picking you up..

ATTORNEY IODICE:

This one here is used by....(Inaudible) construction company.  
...(Inaudible) construction company is right next door to it. We are trying to do the right thing and if there is any problem with our application let us know now and we will change it.

COMM. PASSANESI:

We're concerned with the way your going to leave it. I don't think we have any particular argument as to who worked on it before. So you take this map back and fix it so it shows clearly where your work is going to be confined too, and the landscape area. From that map I can't determine at least I can't and certainly Mr. Shaw can't determine the extent of your work.

ATTORNEY IODICE:

You'll have to take my oral presentation. We will redraft the map. Unfortunatly this map was drawn in a hurry in order to meet the deadline. But this particular line here and this line here that will be changed. Is that sufficient for your purposes?

COMM. PASSANESI:

I think if you take this matter up with the planner.....

ATTORNEY IODICE:

I have called him several times to see if there was a problems

and if there is a problem we would be happy to correct it.

COMM. AUGUSTINE:

You say that you'll take one year to do all of this excavation work?

ATTORNEY IODICE:

It might take two or three months.

COMM. AUGUSTINE:

How soon after will the landscaping and.....the re-landscaping be done because that was one of the major problems we had the last time.

ATTORNEY IODICE:

That's several years to get it re-landscaped. Mr. Petrosky will make sure that it is done. They know what the problems were before so they will know what has to be done. So we all have the same view point as this is concerned. We'll get the excavation done and get it re-seeded and ...(Inaudible) under the Zoning Code.

CHAIRMAN PARISI:

Are there anymore questions from the Commission?  
Is there someone here to speak in favor of this application?

ADAM SOKOLOWSKI:

Mr. Chairman, I'm not a resident of Middletown but I am a long time friend of Mr. Petrosky. My name is Adam Sokoloski and I live in Meriden, Connecticut. I am a long time friend and family and my wife and my children have used and are using this facility, and we think this is a beautiful place. Our church comes up and has their annual picnic up there and Mr. Petrosky runs a clean operation. There is no drinking on the premises and he allows no roudiness. One time he had paddle boats out there and I now its not germain and its.....this board can do about it, but I'll say this much that he's a kind of a lost soul out in nomans land. He's out on the boarder of Meriden and Middletown and very seldom does he see any...have any assistance from the City of Middletown. And I know being an ex-police-man from Meriden myself I know it's difficult to patrol the outskirts areas. But it takes about fifteen to twenty minutes for a police-man to respond to Mr. Petrosky out there. He pays his taxes and he's trying to clean this place up. I know sincerely he wants to clean this place up and he has been trying to do this for years. I know that some time back when you know it was expeditious to do so. When 91

was being built everyone was looking for fill and gravel they came down there and they scavenged his place. They dug it all up and took off. Now the poor guy is stuck with this place and all he is trying to do really and sincerely is to clean it up. He wants to get rid of this huge cliff out in back and he just wants to grade this in the back. I know that this is his intention. So please if this Honorable Board sees fit or at least ask your planner to give Mr. Petrosky .....how he can go about to clean this place up. He isn't trying to get rich or something, he isn't trying to get away with.....something, all he want to do is clean up a big cliff in the back yard and make it a little bit neater and nicer for people, church people, church socials when they come down to have a picnic with their children. Thank you very much for your time.

CHAIRMAN PARISI:

Thank you. Is there anyone to speak in favoe of this application? Is their anyone to speak in opposition? If not we will go to the next item on the public hearing.

SECRETARY GIUFFRIDA:

ITEM 5. Application for a proposed change of zone from R-1 to R-3/4 northwest corner of Newfield Street and Mile Lane. Applicant Dr. Patrick A. Labbaddia.

ITEM 5

APPLICATION FOR A  
PROPOSED ZONE CHANGE  
FROM R-1 TO R-3/4  
NORTHWEST CORNER OF  
NEWFIELD ST. & MILE LA  
APPLICANT DR. P.A.  
LABBADDIA

CHAIRMAN PARISI:

Who is here for this application?

DR. PATRICK A LABBADDIA:

Mr. Chairman, ladies and gentlemen my name is Dr. Patrick A. Labbaddia and I reside in Portland Connecticut and I practice at 210 South Main Street in Middletown. I have practiced at this location for the past 20 years. My son who has accompanied me tonight has come into practice with me and as a result we decided that we needed more space. We do plan to erect a building and I do own property on the corner of Mile Lane and Newfield Street. Because this problem has arisen I think that it's only fare that the problem and give an explanation as what we would like to do. Right now I'd like to present my son Dr. Louis Labbaddia.

DR. LOUIS LABBADDIA:

Our plan for this is hopefully to get a zone change so we can go under a special exception 44.08.08 for our use and rental space. Now the map submitted was the wrong maps. That was my mistake, and I have other maps here, I'll pass them out to you.

This area right here (pointing to map) Newfield Street running north and Mile Lane being here. On the City's records it's 19 acres but by a land survey it's 20.97 acres. We'd like to change this area marked out here to a R-3 or R-4 zoning so that we can erect an office building here. The area is 7.35 acres down to the Helco right-of-way. There is an area in here that is wetlands but at the present time we don't plan any construction. The only construction that we do plan is on the upper corner .....

CHAIRMAN PARISI:

Is there anything on that parcel now? Is there an old house or something?

DR. LOUIS LABBADDIA:

There was an old house which we have....(Inaudible) we have considered redoing that but the understructure was so deteriorated that there was no possible way to restore it. The understructure was so .....

CHAIRMAN PARISI:

How far down Mile Lane is Lawrence and Keigwin.

DR. LOUIS LABBADDIA:

I think that it's two or three house lots and then the school is back in here. There are two or three house down here already. The property sits on the corner and it runs 583 feet frontage on Newfield Street approximately 1200 feet on Mile Lane back and up in here, so we do run into the floodplain level. Lets see the school is right here and this property is right here.

CHAIRMAN PARISI:

So the property.....the part your going to be developing would not be in the floodplain at all then, except for wetlands.

DR. LOUIS LABBADDIA:

It comes right through like this. But we're not touching that at the present time. I don't see that in any anticipation in the future but what we are concerned mainly is this upper two acre corner lot.

CHAIRMAN PARISI:

How big of a building do you propose?

DR. LOUIS LABBADDIA:

About seventy-five hundred sq.ft(7500) at the present time. As it is now it's going to be set off the Newfield Street, approximately 120 feet and its a one story building, and about 80 feet from Mile Lane.

CHAIRMAN PARISI:

Where would your .....(Inaudible) ...from Newfield and Mile Lane?

DR. L. LABBADDIA:

We have discussed this and we feel that the...we don't want to create a hazard here as far as coming out onto Newfield Street, they maybe an access from Newfield Street but all the access would be from Mile Lane. The access right now is just.... access from Mile Lane and Newfield Street, but exit only on Newfield Street. I think you'd have to get highway approval on that anyway.

CHAIRMAN PARISI:

Assuming you had approval for the zone change you would then be back before the Commission with a site plan, is that right George?

MR. REIF:

You should remember that if your going to change the zone they are entitled to use the zone for any permitted purpose. You are not going to negotiate. They would come back in the future if it is changed to an R-3 or R-4 zone with a site plan that would met those....which ever zone you change it to. However, if you change the zone they can use it for any permitted purpose in that zone. They would have to come back with a site plan, there's no question about that.

COMM. LOWRY:

How far back does the R-1 zone go back.....

MR. REIF:

That's one of the drawings they are suppose to show you. They don't have a drawing to show you where any of the zones are.

DR. L. LABBADDIA:

Mr. Reif, what is it that your asking ?

MR REIF:

A map showing where the zones are in the vicinity where you

want to rezone. The area that they want to rezone happens to be an R-1 zone.

DR. L. LABBADDIA:

I have here a zoning map which I have cut down for this. The green area being I-2, industrial 2 is the closest is from what I can derive from this map is right around this area right here. Vinci Oil has storage area right here and garage. Coleman Brothers have a garage back here. The area in the red here is the area where we want the change of zone. Down the street from us there is a B-2 zone which I think was change for the Town & Country, I don't know if this was changed from this R-2 area. We feel that the area does have a need for certain services which are not out there. And according to your status of the zoning board special exception are made for certain services as in 44.08.08. We don't feel that we are the first non-residential use of the city block because in this area here there is numerous types of business going on in a residential area. Across the street for instance there is a ....Rest Home which is in an R-1 area. Down the street there is the Kof C, there are apartments, there is also a gas station. Up the street there is a dentist and a Nation Wide Insurance. So it wouldn't constitute the first non-residential use of the area.

COMM. TYAACK:

Does Mile Lane extend across Newfield Street?

DR. L. LABBADDIA:

It does.

COMM. LOFFREDO:

What are the contours of.....

DR. L. LABBADDIA:

The high point in here is 40 some odd feet, 43 feet. The way the building was designed it has an upper and lower level so you can walk in. The lowest point 28 or 26 feet. It would be a parking lot not building. The building would be up in this area here above the floodplain level and no problem at all.

COMM. TYAACK:

How many acres are involved ...are you proposing to rezone?

DR. L. LABBADDIA:

3.75.....The acreage in the floodplain here I'd say approximately 13 acres. The low land area which is 22,23 feet right in here. This right here is 24 feet.

CHAIRMAN PARISI:

So your asking to rezone just the front of that parcel?

DR. L. LABBADDIA:

This area defined right here, 7.2 acres.

MR. REIF:

What lead you to apply to either R-3 or R-4?

DR. L. LABBADDIA:

Well looking through the book that I received I felt that we would fall under the status of that. We don't want..... we felt that a professional office would be serviced by professional people .....

MR. REIF:

So you wouldn't object to whatever zone it was as long as you could build your professional offices would you?

DR. L. LABBADDIA:

No not at all. We don't want to put this up for ourselves, we'd like to have rental space available for other professionals in the area.

CHAIRMAN PARISI:

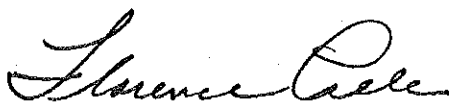
You just want to put up professional offices.  
Your not going to put up a grocery store or anything .

DR. L. LABBADDIA:

No not at all.

CHAIRMAN PARISI:

Thank you. Is there anyone else who wishes to speak?  
Is there anyone who wishes to speak in favor of this application?  
Is there anyone who wishes to speak in opposition?  
If not then this closes the public hearing.

  
Florence Pelc  
Transcribing Secretary

Paul P. Parisi, Chairman  
Planning and zoning Commission

Approved at meeting of \_\_\_\_\_