

PLANNING AND ZONING COMMISSION REGULAR MEETING JULY 13, 1994, 7:00 P.M.
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Chm. W. Lee Osborne, V-Chm. John Robinson,
Sec'y Stephen Shapiro, Comm. Ann Loffredo,
Comm. Anthony J. Vasiliou, Comm. Philip
Halibozek, Comm. Sebastian Passanesi, Comm.
Francis Patnaude, Dir. P.W. Salvatore Fazzino,
Ex-Officio

COMMISSION
MEMBERS
PRESENT

Comm. Gerard Winzer, Comm. Jennifer Alexander,
Comm. Stephen Gadowski, Mayor Thomas J. Serra,
Ex-Officio

COMMISSION
MEMBERS
ABSENT

Councilwoman Nancy Conaway-Raczka acted for
Mayor Thomas J. Serra, Ex-Officio

ACTING MEMBERS

William Warner, Planning Director

STAFF

There were approximately fifty members of the
public present.

PUBLIC

On motion and second by Comms. Anthony Vasiliou
and Ann Loffredo the Commission approved the
minutes of the June 22, 1994 meeting. Vote was
unanimous.

ITEM 2.1
APPROVED
MINUTES
6\22\94

The Commission acknowledged the ZEO Monthly and
Sign Reports.

ITEM 3.1\2
ACKNOWLEDGED
ZEO REPORTS

On motion by Comms. Ann Loffredo and Philip
Halibozek the Commission added an amendment
to the Bretton Road\Pine Street G.S. 8-24 to
the agenda. Dir. P.W. Salvatore Fazzino
explained the proposal is for new sidewalks
only. There will be no other modifications.
Comm. Ann Loffredo questioned the location of
existing sidewalks. Comm. Anthony Vasiliou
questioned handicapped ramps. On motion by
Comms. Philip Halibozek and Stephen Shapiro
the Commission approved the amendment to the
G.S. 8-24 Review to comply with the current
plan. Vote was unanimous.

ITEM 3.3
APPROVED
AMENDMENT TO
BRETTON ROAD\
PINE STREET
G.S. 8-24
PUBLIC WORKS

Atty. Philip Karpel and William Kotchen
explained the proposal and clarified the issue.
Comm. John Robinson questioned the amenities.
There is no change in lots. Comm. Ann Loffredo
questioned staff. William Warner responded.
Discussion ensued regarding the trails prior
approvals. Plans were reviewed. A motion was made
by Comm. Stephen Shapiro and seconded by Comm.

ITEM 4.1
APPROVED
AMENITIES
PACKAGE HUNT
CLUB SUBDIVISION
EAST STREET

Philip Halibozek to approve. Comm. Ann Loffredo added that the detention ponds should be modified and be acceptable to the Planning and Zoning Department. Comm. Anthony Vasiliou added that the trails be constructed of stone dust. Comm. Stephen Shapiro accepted the amendments. Vote was unanimous. Applicant\agent Resource Development Corp.\Michael Hussey

On motion and second by Comms. Ann Loffredo and Stephen Shapiro the Commission tabled the request for partial release of the cash deposit for Farmstead Estates Subdivision. Vote was unanimous. Applicant\agent Louis Aresco

ITEM 4.2
TABLED REQUEST
FOR RELEASE
OF CASH DEPOSIT
FARMSTEAD ESTATES

On motion and second by Comms. Ann Loffredo and Anthony Vasiliou the Commission scheduled a public hearing date of July 27, 1994 for re-approval of Old Farms Subdivision, Atkins Street. Vote was unanimous. Applicant\agent Old Farms Associates\Conklin & Soroka, Inc.

ITEM 4.3
SCHEDULED P.H.
7\27\94 REAPPROVAL
OLD FARMS
SUBDIVISION

On motion and second by Comms. Ann Loffredo and Stephen Shapiro the Commission tabled the request for partial release of the cash deposit for Oakridge Estates Subdivision. Chairman W. Lee Osborne disqualified himself. Vote was unanimous. Applicant\agent Stephen Realty & Development, Inc.\Kathleen D. Swingle

ITEM 4.4
TABLED REQUEST
FOR RELEASE
OF CASH DEPOSIT
OAKRIDGE ESTATES

On motion and second by Comms. Ann Loffredo and Philip Halibozek the Commission granted a partial release of the cash deposit for Meadowood Drive Extension. Vote was unanimous. Applicant\agent B & P Development\Atty. Michael Dowley

ITEM 4.5
APPROVED PARTIAL
RELEASE OF CASH
DEPOSIT FOR
MEADOWOOD DRIVE
EXTENSION

On motion and second by Comms. John Robinson and Philip Halibozek the Commission denied without prejudice a proposed Zoning Code text amendment to modify Section 39A Interstate Mixed Use Zone. Vote was unanimous. Applicant\agent Sawmill Brook Racing Assoc., Inc.\RMC Corp.

ITEM 5.1
DENIED ZONING CODE
TEXT AMENDMENT TO
SECTION 39A
INTERSTATE MIXED
USE ZONE

William Warner explained the proposal and read David Mylchreest's letter into the record. Discussion ensued regarding recertification. Chm. W. Lee Osbourne disqualified himself to avoid the appearance of conflict. On motion and second by Comms. Ann Loffredo and John Robinson the Commission approved the Lot Line Revision.

ITEM 5.2
APPROVED LOT LINE
REVISION LOTS #2
AND #3 OAKRIDGE
ESTATES SUBDIVISION

Vote was unanimous. Applicant\agent Stephen Realty & Development, Inc.\David B. Mylchreest, P.E.

On motion and second by Comms. Ann Loffredo and Philip Halibozek the Commission tabled the proposed amendment to the Wesleyan Hills PRD Conceptual Plan for a nature park to be located on Randolph Road near Long Hill Road. Vote was unanimous. Applicant\agent Frank Rak

ITEM 5.3
TABLED PROPOSED
AMENDMENT WESLEYAN
HILLS PRD
CONCEPTUAL PLAN
FOR A NATURE PARK

On motion and second by Comms. Ann Loffredo and Philip Halibozek the Commission scheduled a public hearing date of July 27, 1994 for a proposed site plan review under Section 45 PRD Regulations of the Zoning Code. Vote was unanimous. Applicant\agent Frank Rak

ITEM 5.4
SCHEDULED P.H.
7\27\94 SITE
PLAN REVIEW
RANDOLPH ROAD
NATURE PARK

On motion and second by Comms. Ann Loffredo and Philip Halibozek the Commission tabled a request for G.S. 8-24 Approval for the purchase of land in the Wesleyan Hills PRD Purple Area by the City of Middletown. Vote was unanimous. Applicant\agent City of Middletown Conservation Commission

ITEM 5.5
TABLED REQUEST
FOR G.S. 8-24
APPROVAL FOR
PURCHASE OF LAND
WESLEYAN HILLS
PRD PURPLE AREA

Comm. Anthony Vasiliou disqualified himself to avoid appearance of conflict. Atty. Joseph Borkowski explained that the plans have not been approved by Nissan yet. He requested a public hearing by August 10. Atty. Borkowski reviewed the history of the project and the problems. He indicated the applicant actually paid for a 72 by 102 building. Atty. Borkowski indicated the Director of Planning okayed 72 feet. There has been no work since in the back 12 feet. He asked for a modification of the cease and desist to allow construction of the 72 by 102 area. Chm. W. Lee Osbourne asked for a motion for a public hearing on August 10, 1994 provided the plans are in on time. Comm. Stephen Shapiro moved, there was no second. Comm. Ann Loffredo felt the public hearing should be scheduled on July 27, 1994. The Commission agreed and Comm. Stephen Shapiro withdrew the motion. Comm. Philip Halibozek questioned how the mistakes occurred. Atty. Joseph Borkowski responded that the survey was wrong. Ted Jackowiak explained the possible human error in computer. He indicated that the plan was drawn right, the footprint was right but the dimensions were wrong.

ITEM 5.6
MODIFIED CEASE
AND DESIST ORDER
MICHAEL AUGERI
720 NEWFIELD
STREET

Comm. Stephen Shapiro moved for modification of the cease and desist order to allow construction of the 72 by 102 area. Comm. John Robinson seconded. Comm. Francis Patnaude asked about procedure. Comm. Philip Halibozek asked if the first architect could be invited by staff via a formal letter. The motion passed with five in favor, Comm. Francis Patnaude abstaining and Comm. Philip Halibozek not in support.

Councilwoman Nancy Conaway-Raczka asked for permission to speak as Deputy Mayor representing the Mayor as the Ex-Officio. Atty. Michael Dowley explained the proposal representing the Westmont neighborhood and reviewed staff comments. He remarked about the Public Works comment and read the petition signed by 175 residents into the record. John Connolly commented. Louie D'amiata commented on Spencer School. Comm. Philip Halibozek questioned staff. William Warner responded on the procedure. At 8:10 P.M. Deputy Mayor Nancy Conaway-Raczka commented for the Mayor in support of the amendment and then left for the Commission to deliberate. Comm. Stephen Shapiro asked for staff comments. Dir. P.W. Salvatore Fazzino responded. Comm. Philip Halibozek moved that the amendments be made by staff to eliminate vehicular access between Westmont Drive and Brookview Lane. Staff was instructed to modify the plans and deeds accordingly. Comm. Stephen Shapiro seconded. Vote was unanimous.

ITEM 5.7
APPROVED
AMENDMENT TO
ELIMINATE THE
CONNECTION BETWEEN
BROOKVIEW LANE AND
WESTMONT DRIVE

On motion and second by Comms. Ann Loffredo and Anthony Vasiliou the Commission scheduled a public hearing date of July 27, 1994 for a proposal to convert an existing building from offices to a daycare center at 430 Highland Avenue. Vote was unanimous. Applicant\agent Susan Carter

ITEM 5.8
SCHEDULE PUBLIC
HEARING 7\27\94
430 HIGHLAND
AVENUE DAYCARE
CENTER

On motion and second by Comms. Ann Loffredo and Philip Halibozek the Commission scheduled a public hearing date of July 27, 1994 for a proposed two lot subdivision located at the corner of Mount Road and Millbrook Road. Vote was unanimous. Applicant\agent Elsie B. Salonia

ITEM 5.9
SCHEDULED PUBLIC
HEARING 7\27\94
TWO LOT SUBDIVISION
MOUNT ROAD

The Commission recessed at 8:15 P.M. and returned to order at 8:25 P.M.

RECESS

There is a tape recording of the public hearing available in the Planning and Zoning Office.

ITEM 6
P.H. TAPE
RECORDING

Comm. Stephen Shapiro read the public hearing legal notice into the record. William Warner commented on the proposals. He recommended that the amendments be explained and requested that the Junkyard text be eliminated. Comm. Anthony Vasiliou questioned the withdrawal of Junkyards. William Warner responded. Comm. Philip Halibozek questioned the transfer station. Comm. Stephen Shapiro read the Midstate Regional Planning Agency letter into the record. Comm. Ann Loffredo questioned the sports facility. Lengthy discussion ensued. Comm. Ann Loffredo questioned the impacts. Comm. Anthony Vasiliou commented on the need for jobs. Comm. John Robinson supported the sports facility. Tourism was discussed. Comm. Stephen Shapiro supported the changes. Lengthy discussion ensued. From the public, Carl Bolz stated his opposition to various sections and added amendments. Earle Roberts commented on the make-up of EDT. Discussion ensued. Sid Libby commented in opposition. On motion and second by Comms. Philip Halibozek and Ann Loffredo the Commission closed the public hearing and placed the item on the next agenda as Old Business. Comm. Anthony Vasiliou was opposed. Applicant\agent Economic Development Team

ITEM 6.1
CLOSED PUBLIC
HEARING ZONING
CODE TEXT
AMENDMENTS -
VARIOUS SECTIONS

William Warner explained the amendments. Discussion ensued regarding the proposed language change "likely to be reasonable". Carl Bolz supported the proposal and amendments. On motion and second by Philip Halibozek and John Robinson the Commission closed the public hearing and placed the item on the next agenda as Old Business. Applicant\agent Economic Development Team

ITEM 6.2
CLOSED PUBLIC
HEARING ZONING
TEXT AMENDMENT
SECTION 61.05

Ted Jackowiak explained the proposal. Comm. Stephen Shapiro read the MidState Regional Planning Agency letter into the record. Ted Jackowiak explained the site characteristics. William Warner commented. Comm. John Robinson questioned the Health Department comment. No one from the public spoke. On motion and second by Comms. Philip Halibozek and John Robinson the Commission closed the public hearing. On motion and second by Comms. Stephen Shapiro and Philip Halibozek the Commission adopted the Zoning Map amendment with an effective of July 30, 1994. Vote was unanimous. Applicant\agent Ruth F. Flesch and Eleanore M. Leonard\T. F. Jackowiak

ITEM 6.3
ADOPTED ZONING
MAP AMENDMENT
SRPUCE BROOK ROAD
FROM IT TO R-60
ZONE

Ted Jackowiak explained the proposal. The comments were reviewed. William Warner commented. A brief discussion ensued. On motion and second by Comms. Ann Loffredo and Philip Halibozek the Commission closed the public hearing. On motion and second by Comms. Philip Halibozek and John Robinson the Commission granted final approval with the condition that all departmental comments be met. Vote was unanimous. Applicant\agent Ruth F. Flesch and Eleanore M. Leonard\T. F. Jackowiak

ITEM 6.4
GRANTED
FINAL APPROVAL
TWO LOT
SUBDIVISION
SPRUCE BROOK ROAD

Comm. Sebastian Passanesi disqualified himself and left the meeting at 9:30 P.M. The Commission recessed at 9:35 P.M. and reconvened at 9:40 P.M.

William Warner explained the proposal. Comms. Philip Halibozek and John Robinson questioned the staff. Chm. W. Lee Osborne questioned restaurants. He did not feel that restaurants belong on the north side of Washington Street. He emphasized the special exception procedures. Atty. Carl Fortuna commented and discussed the history of the property. He was in support of the proposal. He felt the R-15 zoning is absurd. The zone change should be considered on its merits and the Commission should be fair and equitable. Atty. Ralph Wilson presented the arguments in favor. He submitted a newspaper article regarding the Route 66 widening project. He referenced the Zoning Code and the Plan of Development at length. Atty. Wilson used a video to display the characteristics of Washington Street. The Commission by concensus agreed to view the video. The Chairman ruled accordingly. Comm. Philip Halibozek objected and noted the thirteen inch screen. The Commission viewed the video. There was no discussion for approximately eleven minutes. The video was made part of the record. Atty. Ralph Wilson made comments at the end of the tape regarding Barbara Road. He summarized the video. Atty. Wilson read the letter from Joseph Tine into the record. Sara Foster, a appraiser, commented on the values and submitted appraisals into the record. Comm. Ann Loffredo left the meeting at 11:00 P.M. Sara Foster explained the appraisal and the two appraisals undertaken in length. Comm. Philip Halibozek questioned if the lot was vacant? Sara Foster responded yes. It was concluded that the highest best use would be commercial. Comm. John Robinson questioned the appraisal and what uses there are. Sara Foster responded. Comm. Stephen Shapiro questioned the assessed value of \$35,700. by the

ITEM 6.5
CONTINUED P.H.
PROPOSED ZONING
MAP AMENDMENT
WASHINGTON STREET
FROM OLD MILL ROAD
TO PLAZA DRIVE

City. Comm. Anthony Vasiliou questioned the reasons for appraisals. Atty. Ralph Wilson responded and summarized. Mark Farrell stated his objections and concerns regarding the property values at length. He asked what buffer is better than leaving it residential. Terri Plato commented on the noise levels and her concerns regarding neighborhood voice. N. Wilson was concerned about the traffic on Old Mill Road and the noise levels. Comm. Anthony Vasiliou questioned the traffic issue. N. Wilson responded. L. Branciforte has property on Boston Road and was concerned about larger scale developments. N. Bots was opposed to the changes. More commercial is no good. Earle Roberts commented on the accuracy of the video and questioned the legal notice. William Warner commented that the legal notice was completely legal and explained the confusion. He commented on the condition of the property and the staff comments. Comm. Philip Halibozek questioned the staff on how many property owners there are. Comm. Anthony Vasiliou asks Atty. Ralph Wilson to provide any pages that were referenced. Atty. Wilson responded, concurred and will submit who prepared the video. Marcy Hulbert questioned the zoning application sign, who was the proponent, and objected to the change. She commented on the history of the curb cuts. Philip Redford questioned the legal notice once again. He commented on his ownership, the history, and the natural characteristics. He also commented on the condition of the property and the water problems. There is a blighted structure list. He concluded with the property devaluation. Comm. Francis Patnaude questioned the blighted structure ordinance. Philip Redford responded. C. Langer's family owns 733 Washington Street. Her family is in favor of the zone change. She wants the zone change for the future and has no immediate plans. Property being held as a buffer for residential is not fair. On motion and second by Comms. Philip Halibozek and Francis Patnaude the Commission continued the public hearing. Vote was unanimous. Proponent P & Z Comm.

There was no discussion with the public.

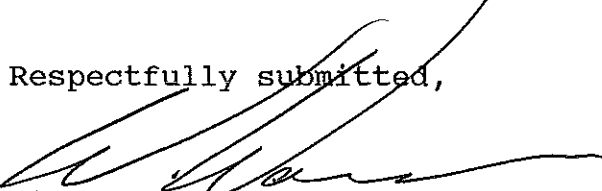
ITEM 7
DISCUSSION
WITH PUBLIC

PLANNING AND ZONING COMMISSION REGULAR MEETING JULY 13, 1994, 7:00 P.M.
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Adjournment was at 1:30 A.M.

ITEM 8
ADJOURNMENT

Respectfully submitted,



William Warner
Director of Planning