

Steven J. Leinwand, Chm.; Stephen T. Gionfriddo, Vice'Chm.; Cos Giuffrida, COMMISSION
Sec'y, Louis A. Carta, Seb J. Passanesi, Emanuel A. Pattavina, Rose MEMBERS
Sbalcio, Alternate: George Augustine PRESENT

Mayor Michael J. Cubeta, Jr., Ex-Officio, Dir. P. W. Salvatore Fazzino, MEMBERS
Ex-Officio, Alternates: Paul H. Bixby, Sebastian J. Garafalo, Vincent ABSENT
J. Loffredo

George A. Reif, Director; Althea Rinaldi, Recorder, Hope Kasper, tran- STAFF
scriber, Beverly Augustine

Lucas Held, Reporter, Middletown Press; Rosemary Keogh, Reporter, Hart- OTHERS
ford Courant; Joseph Tirone, WCNX; also 15 members of the audience.

CHM. LEINWAND

I would like to call to order the Regular Meeting of the Planning and Zoning Com-
mission of July 14, 1982. We have 6 regular commissioners. Comm. Carta
is not here. George, you will be sitting in for Comm. Carta. That gives
us seven. I would ask the Secretary to...Well, let me open the Public
Hearing and ask the Secretary to read the first item.

SECRETARY GIUFFRIDA

THE MIDDLETOWN PLANNING AND ZONING COMMISSION WILL HOLD A PUBLIC HEARING
JULY 14, 1982, STARTING AT 7:00 P.M., IN THE COUNCIL CHAMBER, MUNICIPAL
BUILDING, DeKOVEN DRIVE, MIDDLETOWN, CONNECTICUT, to consider the following:

Item No. 1 Proposed Non-Conforming Use to convert first floor (formerly a ITEM #1
store) into two apartments located at 71A Silver Street. PROPOSED NON-
Applicant/agent Maurice Leitzes. CONVERT STORE TO
TWO APARTMENTS
71A SILVER ST.
M. LEITZES
NC82-4

CHM. LEINWAND

O.k, is Mr. Leitzes here?

DIR. REIF

You got to change.....

CHM. LEINWAND

Yes, let the record show that Mr. Augustine is back in the alternate roll
and Comm. Carta has arrived. Mr. Leitzes, the floor is yours.

MAURICE LEITZES

I don't know what to say.

CHM. LEINWAND

If you could summarize what you're proposing and where.

MAURICE LEITZES

Yes, I have a building that was formerly a merchantile store, and I would like
to convert it to a one bedroom apartment.

DIR. REIF

To a one bedroom?

MAURICE LEITZES

Two one bedroom apartments.

DIR. REIF

Why don't you tell them where it is. That will give them another bit of information.

COMM. AUGUSTINE
The location.

MAURICE LEITZES
73A Silver Street.

CHM. LEINWAND
O.k., you've received the map. We've been through a preliminary hearing on this matter. George, do you want to speak to this or do you want to ask Mr. Leitzes some questions?

DIR. REIF
Yes, There are two floors. Two floors, right?

MAURICE LEITZES
Yes.

DIR. REIF
What's in the upper floor right now?

MAURICE LEITZES
Three small miniature apartments.

DIR. REIF
Three apartments. And it's the first floor that used to be a retail store that you're going to convert. So you're going to have a total of 5 dwelling units.

CHM. LEINWAND
Again, this is on the Agenda because it is an R-1 zone and you're proposing two apartments.

DIR. REIF
Right. He's changing a non-conforming use....

CHM. LEINWAND
into another non-conforming use.

DIR. REIF
into another non-conforming use. He's changing from retail sales to residential even though the zone.....

CHM. LEINWAND
The buildings on both sides are residential. Aren't they?

MAURICE LEITZES
Yes. They are my buildings by the way.

CHM. LEINWAND
O.K. Are there questions of Mr. Leitzes? You've got the Departmental comments. George, I'm skimming them. They don't seem to say anything other than....

DIR. REIF
I think it's only when you get to Public Works that you get to the guts of the issue and then it only deals with the site itself.

CHM. LEINWAND

Let me read this. You can hear this in case you haven't seen this.

DIR. REIF

No applicant has seen any of these comments.

CHM. LEINWAND

Fine. "The site has a rather steep cross-slope from east to west and the existing concrete wall at the east side retained some of the excessive gradient. Perhaps it may be to the advantage of the developer to employ the use of a retaining wall on the west side to help reduce the grade of the parking area. Existing and proposed grades would help in resolving the problem." Were there plans for a retaining wall of any sort?

MAURICE LEITZES

No. I have a retaining wall there.

CHM. LEINWAND

On which side? You got a wall that is being removed if I read the plans correctly.

MAURICE LEITZES

I'm sorry.

CHM. LEINWAND

I believe you have a wall, a concrete wall, that you're proposing removing.

MAURICE LEITZES

No. No. Well, I'm going to put a short concrete wall parallel with the foundation, because I want to put a lawn in the front there.

DIR. REIF

Well, one of the reasons that we never turn the comments over to a proponent is because you can see the way this is written. It's sort of suggestive.

CHM. LEINWAND

Yes. O.k.

DIR. REIF

At some point the Commission may decide that these suggestions are good ideas, and require a developer or proponent to follow them up.

CHM. LEINWAND

It doesn't appear to be said with all that degree of fervency.

DIR. REIF

Well, that's right.

CHM. LEINWAND

"Construction of the parking area is proposed to have a stone surface. With the existing grade being somewhat steep, again it may be to the advantage of the developer to provide some means to control the runoff and the movement of the stone surface." And finally, "The driveway is somewhat narrow and will not permit two-way traffic, we recommend that it be widened to comply with zoning standard." Where is that? I know.....

DIR. REIF

It shows here it is 13 feet, existing driveway. Well, 15 would be the absolute minimum.

DIR. REIF (Continued from Page 3)

You can obviously increase it to 15 or more feet. There is 16 feet, really.

CHM. LEINWAND

O.K.

DIR. REIF

This is the last opportunity to correct some of these things because once the proponent given approval, that's it.

CHM. LEINWAND

Would you have problems in widening that driveway somewhat?

MAURICE LEITZES

I can't do it.

CHM. LEINWAND

You can't do it. Because of how close it is to the buildings?

MAURICE LEITZES

Yes.

DIR. REIF

It doesn't show that way here.

CHM. LEINWAND

The site plan that we have certainly looks like you would have room on both sides to widen it.

MAURICE LEITZES

Well, it's existing.

CHM. LEINWAND

Sure, but I mean an existing driveway could still be widened.

MAURICE LEITZES

Where to? Where am I going to widen it?

COMM. PASSANESI

Does the drawing up there have space to widen it?

DIR. REIF

Sure. It's right up there and everybody has it. Everyone got one and if you still have it or not.....

MAURICE LEITZES

It's being used as a driveway now.

DIR. REIF

So you don't mean that it can't be done. You don't want to do it.

MAURICE LEITZES

I beg your.....

DIR. REIF

Well, it could be widened. There's.....

MAURICE LEITZES

Where....

DIR. REIF

There is space there to do it, right?

MAURICE LEITZES

No. It's already being used as a driveway. The whole area.

COMM. CARTA

I have a question. The plan didn't show (inaudible). The water runoff, is it going to run down on to that corner part, that corner piece....Is it going to run down on to that street that runs along side the property?

DIR. REIF

Eastern Drive.

MAURICE LEITZES

Silver Street

DIR. REIF

That's why the Public Works department rather gingerly made the suggestion about the....

COMM. CARTA

There's no way to really (inaudible, multiple speakers) Where is it going to end up?

DIR. REIF

Tonight you're having the Public Hearing. You may decide you need more information, because the driveway is drawnIt shows 12 feet wide.

COMM. CARTA

In other words, during winter conditions when the parking lot is frozen, (inaudible) going to run down off the driveway onto Silver Street or is it going to run down (inaudible)

DIR. REIF

There is no way to look at this and tell because there is no topographical information.

CHM. LEINWAND

Alright, I think that we are going to have to get more information on that. Are there other questions of Mr. Leitzes? O.k., you know that.....

MAURICE LEITZES

I'm not changing the outside in any physical way. It's as is.

CHM. LEINWAND

Understood.

MAURICE LEITZES

We've had no problem on runoff or anything before. I used to have 10 garages in there at one time.

CHM. LEINWAND

O.k. This is presently a commercial building downstairs. Right?

MAURICE LEITZES

It was.

CHM. LEINWAND

O.k. And it's now not being used.

MAURICE LEITZES

It's idle.

CHM. LEINWAND

O.k., but you're talking about putting in two apartments.....

MAURICE LEITZES

Small apartments, yes.

CHM. LEINWAND

which will mean that it will clearly be used by people and that driveway will have anywhere from 2 to 4 cars going in and out of it. Correct?

MAURICE LEITZES

Yea, but it'll be less traffic now than it was before. It was commerical before.

CHM. LEINWAND

O.k. Let me tell you that this Commission almost never decides an issue the same night of a Public Hearing. So it will.....

MAURICE LEITZES

So, I just want to enlighten you to the fact that they'll be less traffic now.

CHM. LEINWAND

Understood. I'm going to ask you and the Planning Director to get together so that you get a copy of these comments. O.k., and perhaps it would be helpful if we got clarification, if you got some clarification, and George if you could help on that, through the Public Works Department. So that Mr. Leitzes fully understands what these comments meant and I think that some of us need to go out and take look and see exactly what the, you know, the site looks like as well. Are there other questions? Are there members of the Public that would like to speak to this proposal? One way or the other? O.k., thank you. We will have put it on the Agenda two weeks from tonight under Old Business and if we have gotten some of the answers to some of these things, then we will make a decision at that point.

MAURICE LEITZES

What's the date?

CHM. LEINWAND

The date two weeks from tonight will be the 28th.

MAURICE LEITZES

The 28th of August?

CHM. LEINWAND

Of July.

MAURICE LEITZES

Of July?

CHM. LEINWAND

Yes.

MAURICE LEITZES

Thank you.

CHM. LEINWAND

Thank you. O.k., the second item on the Public Hearing, Mr. Secretary.

SECRETARY GIUFFRIDA

Item No. 2. Proposed Subdivision of five lots located on East Street for the Middletown Bible Church. Applicant/agent T. F. Jackowiak.

ITEM 2
PROPOSED SUB-
DIVISION EAST ST.
MIDDLETOWN BIBLE
CHURCH
S82-7

T. F. JACKOWIAK

Good evening ladies and gentlemen. The property is located on the east side of East Street just opposite the Middletown Bible Church, where... that has the Church just across the street and an existing parsonage just across the street. It is just north of the Poplar Road, about 400 feet north of Poplar Road. There is a total of 18 and half acres in this parcel and it was originally owned by the Consolidated Cigar Corporation. The rear of the property right now or has been for many years, there were some camp-grounds there and some cabins and a rec hall that the church intends to improve and use again. And what they would like to do right now is build a new parsonage on lot 3, and they thought at the same time while they were making that one lot, that we would cut off 5 more. It is an R-1 zone and we have contours here. There is water half way down the lot, half way down the road to lot 3. The sewer runs all the way down across the road, so all the lots are sewerred. All the lots meet space...area requirements, and frontage requirements and there are no wetlands in any of the area that is to be subdivided. However, in the back just about in this area, there is a little pond and a stream that runs in a northerly direction. All the corners have been monumented. And I would be glad to answer any questions that you have.

CHM. LEINWAND

Questions of Mr. Jackowiak? You really do want to get out of here tonight, don't you. Was that a question, Seb?

COMM. PASSANESI

No.

CHM. LEINWAND

City water and City sewer....

T. F. JACKOWIAK

City sewer all the way across the frontage of the lot.

CHM. LEINWAND

Yes.

T. F. JACKOWIAK

Water stops just about here opposite the northwest corner of lot 3.

CHM. LEINWAND

Bill Baron says, "City water is available for lots 3 and 4 only." Right, those two.

T. F. JACKOWIAK

Yes.

CHM. LEINWAND

You would plan to extend the water at your own expense?

T. F. JACKOWIAK

I don't know if they plan to do that or not. They didn't anticipate doing that right now. They....none of these lots will be for sale.

CHM. LEINWAND

Well....

DIR. REIF

That's the issue, the water.

CHM. LEINWAND

And then the Health Department suggests that they recommend that it be approved "with the stipulation that all new dwellings be connected to the City Water and Sewer facilities". It would seem to me that the most appropriate way of doing it is to plan right from the start whether it is going to be a building lot one year or 10 years from now, that water be provided. Wouldn't you agree?

T. F. JACKOWIAK

I would agree; however, I cannot speak for the pastor of the Church, the owners of the Church.

CHM. LEINWAND

O.k.

T. F. JACKOWIAK

And perhaps they will agree to extend the water. All I can say is right now they do not intend to sell any of the lots. They were going to put a parsonage on lot 3 and that's the extent of the construction.

CHM. LEINWAND

O.k.

DIR. REIF

Once the Planning Commission gives final approval, they'll be entitled to sell lots 1 and 2. If a buyer for lot number 1 comes in here....

CHM. LEINWAND

I think we understand that.

T. F. JACKOWIAK

A stipulation can be made that....

CHM. LEINWAND

The subdivision does not go through until or unless.....

T. F. JACKOWIAK

Well, the stipulation can be made but the lots would not be sold until water would be extended.

CHM. LEINWAND

That's the harder way of doing it. It much easier and much cleaner I think for us to talk about.....

DIR. REIF

It's also possible to eliminate lots 1 and 2 from this stage of the subdivision.

CHM. LEINWAND

I sure that's the course you would like to see us take.

T. F. JACKOWIAK

I'll have to consult with them as to which course they want to do. Perhaps they might want to extend the water. As George said, it might just be simpler to eliminate lots 1 and 2.

COMM. PASSANESI

They're sized for water and sewer.

DIR. REIF

They want the benefit of having it. Incidentally, there is a note....the reason I don't think this came up at the last preliminary presentation. It says on the drawing that water is available on East Street.

CHM. LEINWAND

O.k. Are there questions from the Commission? Could you discuss that with the people at the Church and prior to our meeting of the 28th at which point we would, you know, consider a decision. Your input on that matter, I think you recognize its some concern.

T. F. JACKOWIAK

Oh, I certainly do.

CHM. LEINWAND

Questions?

COMM. CARTA

I'm familiar with that piece of land. I've walked on it many times. The (inaudible) are good. As Seb pointed out, they were sized for the benefit of sewer and water and in order to get approved. And to protect the City and to protect a future buyer, they either need to have City water extended now or not have the lot approved if they don't want the expenditure, the expense...(inaudible). One way or another they still have their alternative to not spend their money. (inaudible)

T. F. JACKOWIAK

It probably would be foolish to do it right now seeing they do not intend to sell the lots. They did it so....It's just like putting money in the bank because they would have the lots available if the need ever arose.

COMM. CARTA

(inaudible) It wouldn't protect a future buyer or the City. Other than that, I think it's a fine subdivision.

CHM. LEINWAND

Other comments. Questions? Members of the Public wishing to speak on this proposal? O.k., if not, thank you. We'll go to the third item on the Public Hearing.

SECRETARY GIUFFRIDA

Item No. 3. Proposed Zoning Code text amendment regarding all commercial recreational and amusement land-uses currently listed or implied under items 61.01.14, 61.01.27 and 61.01.28 to designate such activities as Special Exception Uses. Also to clarify that off-street parking facilities are required, and to set the parking requirements for recreational and amusement uses. And further to clarify that the criteria, or findings, set forth in Item 44.04 of Section 44, Special EX-ception applies to these uses.

ITEM #3
PROPOSED ZONING
CODE TEXT AMEND-
MENT, COMMERCIAL
RECREATION &
AMUSEMENT LAND-
USES, WITH OFF-
STREET PARKING
REQUIREMENTS
Z82-7

CHM. LEINWAND

O.k., what all that means is that like many other Communities, there has been

CHM. LEINWAND (Continued from Page 9)

some concern about amusements, arcades, video parlors, which whatever you want to call them. That has been raised and in particular in this City, in front of both the Common Council and this body by Mr. Giuliano and by others, this Commission agreed two weeks ago to place on the Agenda for Public Hearing this issue of whether or not we change the Code to make video arcades, amusements, in the generic sense a special exception use. With that having been said, I open up the Public Hearing to the audience on this particular matter. I think the Commission would very much want to hear the pros, the cons to this issue. Please.

JOHN GIULIANO

I think if Mr. Giuffrida could...

CHM. LEINWAND

If you could give us your name for the record.

JOHN GIULIANO

John Giuliano. If Cos could read the item again, cause I didn't really get....

CHM. LEINWAND

Let me paraphrase it, because this is a generalized statement with whole lot of numbers in it. What it essentially says is that right now in the.....George correct me...the B-3, B-2...

DIR. REIF

B-2 and B-3.

CHM. LEINWAND

In the B-2 and B-3 zones, our essential business district and the shopping centers, amusements are allowed. And there is nothing we can do, and it says it is a legitimate allowed legal use. What this proposed change is, what this Public Hearing is about, is whether or not for any future video arcades and/or amusements of that sort, we declare them to be a special exception use. Which means the only way that one could open would be going through the special exception process, coming before the Planning and Zoning Commission, going through a Public Hearing, and then being decided upon on a case by case individual basis. Is that appropriately paraphrase it?

DIR. REIF

Right.

JOHN GIULIANO

You were referring to parking areas? I didn't catch that.

DIR. REIF

That/s another facet of it. It also established specific parking...off-street parking requirements which are now waived in the central business district.

CHM. LEINWAND

O.k., it is not a text of a change. They are ideas that we put in the legal notice and we put before you tonight for discussion purposes.

JOHN GIULIANO

O.k.

CHM. LEINWAND

O.k. So yes, it's a special exception use as well as changing the parking requirements, which would be an additional constraint in that sense.

JOHN GIULIANO

O.k. Could there be an inclusion in that in regards to closeness to bars or....

CHM. LEINWAND

I think that all of those things that you would want to raise are appropriate for you to discuss with us tonight.

JOHN GIULIANO

O.k. I...My only main concern in this particular instance is because of my situation with having had the experiences very recently about the kids from St. Sebastian and St. John's. Just having the opportunity to walk by, seeing the amusement, get excited, throw their bikes against my windows, and go in, make noise, swear. I've gotten to the point where I called Mr. Kuehn, I believe his name is.

CHM. LEINWAND

Yes.

JOHN GIULIANO

And I even asked that the benches be removed from the front of my building. And I say that with all sincerity because I find that the kids are sitting on top of the benches, not on the seat itself, on top of the brackets there. And one girl has already fallen off. I saw her. And I'm...almost every morning having to sweep up the... in front of my building, 30, 40, 50, cigarette butts, bottles already, all kinds of goody paper, paper items and stuff. I think maybe an inclusion in regards to the fact that it is close to school. I don't know if it's legal or not, but I...the fact that maybe it should be so many feet or so many areas from a school might be a detriment, because these kids, you know, their paper routes, their allowances, it's just going to these arcades. I think they should have more of a direction as far as where the money should be legitimately spent than just throwing it away on arcades.

CHM. LEINWAND

John, let me ask you. It's summer now and it's just not that after school crowd that you were worried....Have things gotten any better?

JOHN GIULIANO

As far as the cigarette butts, the littering, the kids, the bikes, and stuff like that. No, it hasn't.

CHM. LEINWAND

What has?

JOHN GIULIANO

I do not have the school kids coming by right now. But in that time period where it was, school was open, I've called the Police a number of times where I had 30 and 40 kids in front of the building loitering. I mean I don't want to use the expressions but it became to the point where I closed the doors. I like to keep the doors open so I can get some ventilation in the building, but I got to the point where I kept the doors closed so you couldn't actually hear that much. But the thing is with, you know, shooing the birds away. The Policeman came but they all came back to roost again. Basically, you know, I have no other comments.

CHM. LEINWAND

Thank you. Anyone else wishing to speak to this matter?

DIR. REIF

I would like to call to the Commission's attention the fact that we have numerous calls coming to the office, and tomorrow morning I expect all these people to call

DIR. REIF (Continued from Page 11)

again and find out what's going on. They have all been encouraged to delay their proposed installations of these video games until the Commission gives some direction.

CHM. LEINWAND

We don't intend to vote on this tonight I would think.

DIR. REIF

True, true.

COMM. GIONFRIDDO

May I ask a question. Are you talking about people who are interested in opening video parlors like this.....

DIR. REIF

Yes, yes

COMM. GIONFRIDDO

or just installing games in current establishments?

DIR. REIF

No. Video parlors.

CHM. LEINWAND

I guess I don't really understand why they would call. We haven't taken an action. It would seem to me if you were a businessman or a businesswoman, you would do it now, put it in and then any changes wouldn't affect you later on down the pike.

DIR. REIF

We must give these people the benefit of every doubt. They have learned from other Communities.....

CHM. LEINWAND

That they can be thrown out.

DIR. REIF

that they can be thrown out, and they are checking in advance. And in some cases I'm sure they're checking many Communities and Middletown happens to be one.

CHM. LEINWAND

There are a number of arguments. Obviously, one is that it is a fad and let them come and go. The other argument is the more that we have spread around, the less congestion there is at any one.

DIR. REIF

That's right.

CHM. LEINWAND

Any other comments on this matter? I knew I shouldn't have said anything. I know.

JOHN GIULIANO

In the paper, in the Hartford Courant, Westbrook, vehemently denied Planning and Zoning. I happen to talk to someone down there. That they denied...they"withdrew" the application. Also I keep reading more and more situations where towns are going against this....these amusement centers. It's not so much that I'm against playing a reasonable game, myself. I have done that in the past. But I think the type of an attraction that it causes, the nuisance that it causes, is my main concern. I don't

JOHN GIULIANO (Continued from Page 12)

care that a kid has to go and play one or two games, because he is with his parents in a motel or he happens to be at Old Orchard Beach in Maine or New Hampshire, whatever it is. But I don't think that any ordinary community can withstand all of this commotion. Metro South had a bad experience with that. If you're going to disallow what Metro South had. I can tell you, I can reassure you that Peking House was almost about ready to close down.

CHM. LEINWAND

Yes.

JOHN GIULIANO

And many of the girls that I've spoken to would not go to the that health spa down there, because they were embarrassed or disturbed by the fact that these kids were making wild comments about the girls walking by. There is some exception to the rule but I don't see any reason for anybody to be annoyed by this situation.

CHM. LEINWAND

O.k., thank you.

DIR. REIF

Can I bring up one other thing? I've noticed recently as I've stopped in Cumberland Farms and some other locations that they all seem to have these video games there. Hotels seem to have them in their lobby.

COMM. GIONFRIDDO

One client of mine has one in a Laundromat.

DIR. REIF

A Laundromat.

CHM. LEINWAND

O.k., if there's no further comment on this or the other issues, then I will close the Public Hearing on these three matters. We will go to item 4.

Adjournment 7:25 P.M.

ADJOURNMENT

Respectfully submitted,



Hope P. Kasper
Transcriber

Steven J. Leinwand, Chairman
PLANNING AND ZONING COMMISSION

Received at the Meeting of 7/28/82