

PLANNING AND ZONING COMMISSION REGULAR MEETING JULY 23, 2008, 7:00 P.M.
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Chw. Barbara Plum, Comm. James Fortuna, Comm. Deborah Kleckowski, Comm. Cynthia Jablonski, Comm. Richard Pelletier, Comm. Catherine Johnson, Comm. Matthew Lesser (seated for Comm. Les Adams), Comm. Quentin Phipps, Asst. Dir. P.W. Robert Dobmeier, Ex-Officio

MEMBERS
PRESENT

Comm. Les Adams, Comm. Ronald Borelli, Mayor Sebastian Giuliano, Ex-Officio

MEMBERS
ABSENT

William Warner, Director, Matthew Dodge, Planning Environmental Specialist

STAFF

There were twenty (20) members of the public present. There is a word for word tape recording of the meeting on file and available in the Planning Office.

PUBLIC

There was no discussion.

ITEM 2
DISCUSSION
WITH PUBLIC

Attorney Michael Dowley explained that George Smilas was unable to make it due to a death in the family and would like to table the public hearing until the next meeting. On motion and second by Chw. Barbara Plum and Comm. James Fortuna the Commission tabled the public hearing until the meeting of August 27, 2008. Vote was unanimous. Applicant/agent Stephen G. and Barbara Borrelli/George Smilas, Bennett & Smilas Engineering, Inc. S2008-1

ITEM 3.1
TABLED A
PROPOSED FOUR
LOT RESUB-
DIVISION OF THE
PROPERTY OF
STEPHEN G. AND
BARBARA
BORRELLI
LOCATED ON
FAIRCHILD RD
AT THE END OF
THE CUL-DE-SAC
AND ADJACENT
TO THE
CALVARY
CEMETARY TO
BE KNOWN AS
BORRELLI
ACRES

Ted Tine presented his proposal and explained his intentions to transform a portion of the building into a music lounge. Chw. Barbara Plum asked where would the outside seating be. Ted Tine responded to the rear of the deck. Chw. Barbara Plum questioned the drawing. Ted Tine presented a better drawing. Comm. Matthew Lesser asked if he was just asking to convert the upstairs only. Ted Tine answered yes. Comm. Matthew Lesser said that he was concerned

ITEM 3.2
GRANTED A
SPECIAL EX-
CEPTION TO
CONVERT THE
SECOND FLOOR
OF THE BUILD-

with the noise level. Ted Tine explained that he has experience managing a night club, that he understands noise levels and that he is a sound technician. Chw. Barbara Plum asked if the location is handicapped accessible. Ted Tine responded that the upstairs would not be. Chw. Barbara Plum read the proposed conditions from William Warner's comments. Ted Tine responded that he had no problems with these conditions. Chw. Barbara Plum asked if the outside bar would be something that would have to come before the Commission. William Warner explained the classification of an outside bar. Chw. Barbara Plum questioned the Fire Departmental comments. Ted Tine indicated that he had provided what they had asked for. Comm. Matthew Lesser asked if he had spoken to anyone on Court Street. William Warner indicated that there is only one apartment there. Comm. Richard Pelletier questioned if the plans were in compliance with the American Disabilities Act if the upstairs is not handicapped accessible. Ted Tine responded that the building is as long as they can get inside downstairs. William Warner said the Building Department would enforce this if they deemed it necessary. Chw. Barbara Plum questioned the Water and Sewer Departmental comments. Ted Tine indicated he received a copy of the comments. Comm. Deborah Kleckowski questioned how many people will the building hold. Ted Tine indicated that the downstairs can hold seventy-five (75) people and the upstairs can hold forty (40). Chw. Barbara Plum read the support letters into the record. Comm. Deborah Kleckowski questioned if the Commission needed to address waiving the A2 survey requirement. Chw. Barbara Plum indicated yes. On motion and second by Comms. Matthew Lesser and James Fortuna the Commission closed the public hearing. Vote was unanimous. On motion and second by Comms. Deborah Kleckowski and James Fortuna the Commission approved the waiver of the A2 survey. Vote was unanimous. A motion to grant a Special Exception to convert the second floor of the building located at 106-110 Court Street to a nightclub with the following conditions: 1) The Special Exception form filed on the land records shall reference the written plan (see attached) and the discussions at the public hearing and require that any change in concept be approved as a new Special Exception by the Planning and Zoning Commission; 2) Any transfer in the liquor license shall be approved by the Planning and Zoning Commission prior to sign off; 3) Repeated Public Health or Fire Code violations and/or noise ordinance violations in excess of three (3) per year will constitute a violation of the approved Special Exception; and 4) Failure to comply with any of the above terms and conditions shall constitute a violation of the Special Exception and allow the Commission to revoke such permit pursuant to Section 44.07 of the Middletown Zoning Code was made by Comm. James Fortuna and seconded by Comm. Richard Pelletier. Comm. Catherine Johnson commented on the narrow sidewalks and on trash sitting out every night. Comm. Matthew Lesser commented on the quality of the

ING LOCATED
AT 106-110
COURT STREET
TO A NIGHT-
CLUB

proposal. Vote was unanimous. Applicant/agent Ted Tine
S2008-7

On motion and second by Chw. Barbara Plum and Comm.
James Fortuna the Commission scheduled a public hearing
date of August 27, 2008 for a proposed Special Exception to
construct fifteen (15) multi-family dwellings on the east side
of Jackson Street adjacent to Newfield Street to be known as
Acheson Woods II. Vote was unanimous. Applicant/agent
Gibraltar Transcontinental Assurance Company LTD SE2008-6.

ITEM 5.1
SCHEDULED P.H.
8/27/08 FOR A
PROPOSED
SPECIAL EXCEP-
TION TO
CONSTRUCT 15
MULTI-FAMILY
DWELLINGS ON
EAST SIDE OF
JACKSON
STREET ADJA-
CENT TO NEW-
FIELD STREET
TO BE KNOWN
AS ACHESON
WOODS II

One correction was noted: On Page 2, under Item #3.2, remove
Comm. Matthew Lesser's name as he did not vote. On motion
and second by Comms. James Fortuna and Matthew Lesser the
Commission approved the minutes of the July 9, 2008 meeting
as amended. Vote was unanimous.

ITEM 6.1
APPROVED THE
MINUTES OF THE
7/9/08 MEETING
AS AMENDED

The ZEO Report was reviewed. William Warner said he would
answer any questions. On motion and second by Comms.
Matthew Lesser and Richard Pelletier the Commission accepted
the ZEO Report.

ITEM 6.2
ACCEPTED THE
ZEO REPORT

William Warner explained the regulations and procedures for
the public notice signs. Comm. Deborah Kleckowski questioned
why the legal notice is not advertised in the Middletown Press.
William Warner indicated that sometimes the reporter doesn't
pick it up. Comm. Catherine Johnson commented on the regulations
and handed out newspapers as examples. Chw. Barbara Plum
reviewed the handout newspapers for Comm. Catherine Johnson.
Comm. Matthew Lesser asked if he is right in that Comm.
Catherine Johnson wanted to see a larger ad in the Courant.
Comm. Catherine indicated yes. Comm. Matthew Lesser
explained that these ads in the handouts are donated by the
paper and that our papers charge for ad space. William Warner
explained the city costs associated with advertising legal notices
and that the Common Council has cut the budget. Chw. Barbara
Plum noted that most of the ads in the handouts are not public

ITEM 6.3
COMMISSION
AFFAIRS-
REVIEW OF
PUBLIC HEAR-
ING SIGN
INFORMATION

hearings. William Warner indicated the office could advertise the website better. Comm. Richard Pelletier said he would be livid if his tax dollars went towards advertisement and thought the Public Library is a good resource. Comm. Matthew Lesser said he would be open to exploring broader ways of getting information out. Comm. Deborah Kleckowski questioned if this week's meeting notice will have to be paid for. William Warner indicated yes. Comm. Richard Pelletier noted the Commission will have to weigh the public's cost with the public's interest. William Warner noted the papers are becoming more regional, which is unfortunate. Discussion ensued regarding sign placement.

Lawrence Buck asked if he could comment on the Plan of Conservation and Development at any time. William Warner indicated that the Commission could not take testimony outside the public hearing but that the Commission could talk about the subject generally. Lawrence Buck distributed a comment sheet and discussed it.

ITEM 8
DISCUSSION

On motion and second by Comms. James Fortuna and Deborah Kleckowski the Commission adjourned the meeting at 8:05 p.m. Vote was unanimous.

ITEM 9
ADJOURNMENT

Respectfully submitted,

Matthew Dodge
Planning/Environmental Specialist