

Chm. Quentin Phipps, Comm. Richard Pelletier, Comm. Les Adams,
Comm. Barbara Plum, Comm. Catherine Johnson, Comm. Carl Bolz
(seated)

MEMBERS
PRESENT

Comm. Nicholas Fazzino, Comm. Daniel Russo, Comm. Michael John-
son, Comm. Ken McClellan, Mayor Sebastian Giuliano, Ex-Officio,
Asst. Dir. P.W. Robert Dobmeier, Ex-Officio

MEMBERS
ABSENT

William Warner, Director

STAFF

There were twelve (12) members of the public present. There is a word
for word DVD recording of the meeting on file and available in the Plan-
ning Office.

PUBLIC

The Pledge of Allegiance was recited at 7:00 p.m.

ITEM 1
PLEDGE OF
ALLEGIANCE

Comm. Les Adams conducted Roll Call.

ITEM 2
ROLL CALL

No items were removed from the agenda.

ITEM 3
ITEMS RE-
MOVED FROM
THE AGENDA
AND WHY

No one spoke.

ITEM 4
PUBLIC
COMMENT ON
ITEMS

The Zoning Enforcement Officer submitted a memorandum in-
dicating that all public hearing signs were posted and correct.

ITEM 5
ZEO SIGN
CERTIFICATION

Atty. Richard Carella explained the proposal for a dentist's office
and indicated that the proposal complies with all departmental
comments. Comm. Catherine Johnson questioned the keeping of
the canopy. Atty. Richard Carella commented on the economics
of the tear down and no drive-through. No one from the public
spoke. On motion and second by Comms. Barbara Plum and Carl
Bolz the Commission closed the public hearing. Vote was un-
animous. A motion to grant a Special Exception to convert an
existing bank located at 200 Main Street Extension, south of
West Silver Street, to a new use as professional and business offices
with the condition that: 1) all departmental comments be addressed;
and 2) the ATM be removed was made by Comm. Barbara Plum
and seconded by Comm. Richard Pelletier. Comm. Catherine John-
son questioned why a Special Exception was required. William

ITEM 6.1
GRANTED A
SPECIAL EX-
CEPTION TO
CONVERT AN
EXISTING BANK
LOCATED AT
200 MAIN
STREET EX-
TENSION,
SOUTH OF
WEST SILVER
STREET, TO A
NEW USE AS

Warner responded. The motion passed unanimously. Applicant/agent Apollonia Real Estate, LLC/Richard D. Carella, Esq. SE2010-3

PROFESSION-
AL AND
BUSINESS
OFFICES

Nicolas Cacaci explained his request to change the use from a restaurant to a café in order to remove a wall between the bar and the restaurant area. Comm. Barbara Plum questioned the bar layout. Nicolas Cacaci responded. Comm. Carl Bolz questioned the conditions of approval. Comm. Catherine Johnson commented on the quality of the plan. Nicolas Cacaci agreed with the conditions. Comm. Richard Pelletier commented on the plan. No one from the public spoke. On motion and second by Comms. Carl Bolz and Barbara Plum the Commission closed the public hearing. Vote was unanimous. A motion to grant a Special Exception to allow a café in Metro Square at 170-6 Main Street with the condition that: 1) that any transfer, closure, sale or modification of the business would require any new owner or entity to seek approval from the Planning and Zoning Commission; 2) that the establishment continue to serve hot food similar to what is currently provided to patrons; 3) the Special Exception form filed on the land records shall reference 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; 4) any transfer in the liquor license shall be approved by the Planning and Zoning Commission prior to sign off; 5) 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; 6) 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; and 7) the Middletown Fire Marshal must review and approve the proposal was made by Comm. Carl Bolz and seconded by Comm. Richard Pelletier. Comm. Catherine Johnson indicated that an accurate plan was needed. Chm. Quentin Phipps summarized in support. The motion passed unanimously. Applicant/agent The Shadow Room/Nicolas Cacaci SE2010-4

ITEM 6.2
GRANTED A
SPECIAL EX-
CEPTION TO
ALLOW A
CAFÉ IN
METRO SQUARE
AT 170-6 MAIN
STREET

R. Amantea, an engineer, explained the proposal for two (2) rear lots. Comm. Barbara Plum questioned the Public Works Departmental comment. R. Amantea explained the revisions and the purpose of the drywells. Comm. Les Adams commented on the drywells. R Amantea reviewed all the departmental comments. William Warner indicated that the revised plans had already been submitted to Public Works, Police and Water/Sewer for review and comment. From the public, Corrine Lavoie had concerns about water on her property. William Warner suggested a swale on the southern property line. Comm. Barbara Plum requested a condition that the Public Works Department sign off on the drainage. R. Amantea agreed to add a swale on the southern property line. On motion and second by Comms. Richard Pelletier and Barbara Plum the Commission

ITEM 6.3
CLOSED P.H.
FOR A PRO-
POSED THREE
(3) LOT RESUB-
DIVISION
WITH A
SPECIAL EX-
CEPTION FOR
TWO REAR
LOTS OF THE
PROPERTY
OF DAN LA-

closed the public hearing. Vote was unanimous. A motion to table a proposed three (3) lot resubdivision with a Special Exception for two rear lots of the property of Dan LaRosa located at 109 Bell Street, on the east side near Old Farms East until the next meeting was made by Comm. Carl Bolz. Comm. Barbara Plum agreed and seconded the motion. Comm. Catherine Johnson agreed. The motion passed with Chm. Quentin Phipps, Comm. Les Adams, Comm. Barbara Plum, Comm. Catherine Johnson and Comm. Carl Bolz in favor and Comm. Richard Pelletier opposed. Applicant/agent Dan LaRosa S2010-2

ROSA LOCATED
AT 109 BELL
STREET, ON THE
EAST SIDE NEAR
OLD FARMS
EAST AND
PLACED THE
ITEM UNDER
OLD BUSINESS
AT THE NEXT
MEETING

There were no Old Business items.

ITEM 7.1
OLD
BUSINESS

Mark Aunger commented. William Warner indicated that the proposal was for Department of Motor Vehicle location approval. On motion and second by Comms. Barbara Plum and Catherine Johnson the Commission approved a request for Location Approval for general repairer under G.S. 14-54 at 770 Newfield Street, Unit 4A. Vote was unanimous. Applicant/agent Mark Aunger

ITEM 8.1
APPROVED A RE-
QUEST FOR LO-
CATION APPRO-
VAL FOR GEN-
ERAL REPAIRER
UNDER G.S. 14-
54 AT 770 NEW-
FIELD STREET,
UNIT 4A

No one spoke.

ITEM 9
PUBLIC
COMMENT
ON TOPICS

On motion and second by Comms. Barbara Plum and Les Adams the Commission approved the minutes of the July 14, 2010 regular meeting. Vote was unanimous.

ITEM 10.1
APPROVED THE
MINUTES OF
THE 7/14/10
REGULAR
MEETING

The Zoning Enforcement Officer's Report was tabled.

ITEM 10.2
ZEO REPORT

Chm Quentin Phipps indicated that the next Budget Subcommittee meeting would be August 18, 2010 at 6 p.m. in Room 208. Brief discussion ensued on receiving plans at the meetings. William Warner responded.

ITEM 10.3
OTHER COM-
MISSION
AFFAIRS

On motion and second by Comms. Barbara Plum and Les Adams the Commission adjourned the meeting at 8:45 p.m. Vote was

ITEM 11
ADJOURNMENT

PLANNING AND ZONING COMMISSION REGULAR MEETING JULY 28, 2010, 7:00 P.M.
PAGE 4 OF 4

unanimous.

Respectfully submitted,

William Warner
Director