

COMMISSION ON THE CITY PLAN - PUBLIC HEARING - August 2, 1956

PRESENT: I. Robert Traverse, Chairman
Arthur Dillon
Joseph V. Misenti
Seb. J. Passanesi
Mayor Harry T. Clew

ABSENT: Everett S. Holmes
William Warshauer

ALSO PRESENT: Dr. G. Albert Hill, Director of Redevelopment

Chairman Traverse opened the Public Hearing, in the Council Chambers of the Municipal Building, at 7:30 P.M.

The Corporation Notice was read and is recorded as follows: (by appearance)

CORPORATION NOTICE

Notice is hereby given that the Commission on the City Plan, as the zoning Commission for the City of Middletown, will hold a public hearing in the Council Chambers of the Municipal Building on Thursday, August 2, 1956, at 7:30 P.M., for the purpose of considering the petitions of Gustave J. Battaglis and Isidor & Meyer Field, and the Hartford National Bank and Trust Company, Central Branch for proposed amendments to the zoning map and to the zoning ordinance of the City of Middletown:

Pursuant to the provisions of Special Act No. 465, 1953, and Chapter 43 of the General Statutes of Connecticut, and as amended the Zoning Regulations of the City of Middletown, passed and adopted February 7, 1927, as amended, be and hereby are amended as follows:

ISIDORE & MEYER FIELDS (for inclusion of the following under Subsection (c) of "Section 8. General Residence Zones - Uses of Property"): A professional pharmacy located in an office building containing not less than five doctors' offices shall be considered an accessory use, provided that there shall be no advertising signs on the exterior of said office building promoting the business of such pharmacy and that no merchandise be sold therein other than drugs and pharmaceuticals for the treatment of bodily ills.

Attorney John F. Pickett, Jr., represented the petitioners. "Mr. Chairman I have here a copy of the proposed change and how it fits into the existing zoning law. You will note that the proposal that we made is underlined. (Mr. Pickett passed out to each of the members of the Board, a copy of his proposal, which is here made a part of the minutes.)

SECTION 8. GENERAL RESIDENCE ZONES - USES OF PROPERTY

(a) * * *

(b) A dwelling, apartment, or tenement occupied by a professional architect, artists, engineer, lawyer, musician, dressmaker, physicians and dentists or teachers, may include the office or studio of the occupant of such dwelling, apartment or tenement.

Pickett: I would be glad to confer with the Corporation Counsel as to a definition of the words.

Traverse: Either one or both.

Passanesi: Would it not include anyone under Section 8 who have a building with five or more doctors offices in it?

Pickett: When in section 8 a variance is granted.

Passanesi: It does not say this you are including in your proposal.

Pickett: Only a definition of accessory use. Further definition of accessory use. It applies however only when you have an office containing five or more doctors.

Passanesi: I am not sure what the implication will be in respect to the law.

Pickett: It defines the accessory uses to a building containing more than five doctors. It does not pertain strictly to subsection (b) because there in addition to subsection (b) you will have to get a variance for such a use.

Traverse: Are there more proponents or opponents to this petition?

Dr. Hill pointed out the fact that an ointment would be considered a pharmaceutical. It is not used to cure but to relieve.

Pickett: Explained that when an ointment or something of that nature is a drug or pharmaceutical (must come under one or the other) it would be used for the treatment of a bodily ill.

Traverse: We would like to refer this question of definition to the Corporation Counsel. We would therefore like to defer action on this petition until we have received a legal opinion from the Corporation Counsel and until we have a full Board present.

Pickett: I will get from the Corporation Counsel a legal definition of these words for a guide in future work.

Traverse: Again asked for either proponents or opponents to the petition. There being none, this section of the public hearing was closed.

HARTFORD NATIONAL BANK & TRUST COMPANY, CENTRAL BRANCH:

CORPORATION NOTICE

* * *

For a change of zone from General Residence to Commercial for land described as follows:

Commencing at the intersection of the east line of Hubbard Street with the south line of Church Street; running thence Easterly along the south side of Church Street to the northeast corner of land now owned by Frank and Concettina Carpentiere, 415.18 feet; running thence southerly along land of the Fraternal Order of Eagles, Middlesex Aerie 681, Inc., 79 feet, more or less; running thence Westerly along the south line of said Carpentieres' land 39 feet; running thence southerly along the east line of said Carpentieres' land 116.8 feet; running thence northwesterly along the southwest line of said Carpentieres' land 82.25 feet to land of Josephine E.

and Josephine D. Petruzzello; running thence southerly along the east line of said Petruzzellos' land 56 feet, more or less; running thence Westerly along the southerly line of lands of said Petruzzellos and Salvatore Catalano, Sebastian and Lucia Catalano, and Sebastian and Rose DiMauro to the southwest corner of said DiMauros' land to land now or formerly of the Estate of Marion Zywoeinski 53.9 feet, more or less; running thence Westerly along the southerly line of said Zywoeinski's land 90 feet to Hubbard Street; running thence Northerly along the easterly line of Hubbard Street 105 feet to Church Street and the first mentioned point or place of beginning.

ATTORNEY CARLOS ELLIS represented the petitioners. "As stated in the notice in the paper, the property in question is on the south side of Church Street and it is indicated as so on the map. (Mr. Ellis presented a map of the proposal for the records). The bank is interested in only the section marked in red with an 'X'. You will note that this is in an area where you have the Gerome Garments, Good Year Rubber Company, etc. Most of the area is industrial, and all of this is cross-sectioned and marked IND (Industrial). Most of the other areas in the neighborhood are either commercial or transitional; that is, except for the corner where the syhogogue is. Mr. Ellis continued to point to the map and explain or show the positions of several other two or three family dwellings; and the Eagles property. He then submitted a blue-print of the proposed area showing the use and the architecture of the building contemplated. He stated that the actual use and building will be very similar to the drawing but it was not guaranteed that it would be exactly as drawn.

Traverse: In making this property change, you will want the back property of the Eagles?

Ellis: Yes. The property primarily of interest is the Carpentiere property and follows east and south lines of the Carpentiere property, and south lines of property up to Hubbard. There is already a store in this location. I think, also, that there is a boarding house next door to the Eagles.

Traverse: How many houses are there going west?

Ellis: Three. There is a store which is a non-conforming use and is only one lot away from the property proposed by our firm.

Traverse: You are proposing to change this complete block, not including the Eagles property, up to east side of Church and Hubbard Streets. This is done to avoid spot zoning?

Ellis: Yes, we do not want a non-conforming use. The investment is a substantial one. We are asking for a change of zone so that if a change is made in the future, this property can be sold for commercial use.

Traverse: The ingress and egress would be on Church Street?

Ellis: Yes. In a U-shaped driveway.

Mr. Everett Dana and Attorney Ellis then pointed out and explained further the details shown on the blueprints submitted. The building will have two drive-in windows and there will be ample parking for about 14 cars.

Traverse: This raises the question of traffic hazards..

Ellis: There should be no traffic hazard as the building line will be at least twenty (20) feet back from the street.

Passanesi: About 40 feet back from the curb? Will there be parking?

Mr. Dana: We might black-top the back lot and use it for staff parking. We might use it for some of the staff that would be working in another bank.

Passanesi: Then there is the possibility that you would park there?

Dana: Yes. For at least two or four cars.

Ellis: Presented a photograph of the general appearance. He stated the measurements that were used in the sketch of the proposed layout were taken from the deeds in the Middletown Land Records.

Traverse: Stated that these would be acceptable for zoning change.

Chairman Traverse then asked for proponents to the petition.

Dana: I would like to say that we are trying to be good neighbors. The bank will be opened daily from 9:00 A.M. to 3:00 P.M.; and on Fridays the additional hours of 7:00 P.M. to 8:00 P.M. The bank will be entirely closed on Saturdays and Sundays.

Traverse: Asked for further proponents to the petition or opponents; there being none this section of the Public Hearing was closed.

GUSTAVE J. BATTAGLIA: The following letter was read to the public at the start of the Public Hearing.

"July 26, 1956

Commission on the City Plan
City of Middletown
Municipal Building
Middletown, Connecticut

Re: Application of Gustave J. Battaglia
Newfield Street, Middletown, Conn.

Gentlemen:

I wish to inform you that my client, Gustave J. Battaglia, withdraws, without prejudice, his application for a change of zone of property situated on Newfield Street.

Very truly yours,
/signed/
Vincent J. Scamporino"

VJS:RDN

The Commission decided to take action on these two petitions at its Executive Session scheduled for the Third Thursday of the month, August 16, 1956.

There being no further business on the agenda, the public hearing was closed and the meeting adjourned at 8:05 P.M.

Respectfully submitted

Marie E. DiMauro
Secretary